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BY

WILLIAM BOURKE COCKRAN



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GOD GAVE HIM THE GREAT GIFT
OF SPEECH
WHICH HE USED FOR HIS FAITH AND HIS COUNTRY

WILLIAM BOURKE COCKRAN

ORATOR, STATESMAN, LAWYER

Born, County Sligo, Ireland, February 28, 1854.

Educated in Ireland and France.


Came to the United States in 1871.

Admitted to the Bar, New York, 1876.

Won national reputation by noteworthy speeches in the Democratic National Conventions of 1884, 1892, and 1920.

Represented New York constituencies in the Fiftieth, Fifty-second, Fifty-third, Fifty-eighth, Fifty-ninth, Sixtieth, and Sixty-seventh Congresses.

Died, in Washington, March 1, 1923.



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INTRODUCTION

“**I**N mortal books there dwell immortal minds,” runs an ancient Roman inscription; and this is equally true of great addresses and orations, if fortune has enabled the generation to which they were addressed to reduce them to the form of written narrative. The orations of Demosthenes are as truly immortal as are the poems of Homer, assuming the existence of the blind bard. The speeches of Cicero are as much a part of our human heritage as are the priceless pages of Livy’s History. England’s great orator, Edmund Burke, and America’s great orator, Daniel Webster, are no less immortal than are those of their contemporaries who have left us great essays, brilliant histories or inspiring dramas.

The world has been often told that “orators are born, not made.” But orations are made, not born; and back of every speech that counts there lies a long period of preparation, as essential as the genius which comes by nature. Words without thoughts are vain things; and an orator’s greatness is tested, not alone by the momentary impression which he makes upon his immediate audience, but far more by the trustworthiness of his assertions, the validity and essential soundness of his reasoning. These latter come not by inspiration. They are the gifts of patient toil, the fruits of intellectual training, the golden harvest of long-sustained study of great themes.

The present volume is made up of selected speeches by

William Bourke Cockran who during his life was recognized as one of America's most gifted orators. His eloquence will be remembered as long as one remains of the thousands who listened to his matchless voice and marvelous diction. But he deserves to be remembered long after his immediate auditors have crumbled into dust, because of the permanent value of what he said. In the discussion of the manifold problems which every public man must consider, his mind always thought back of the incidental and concerned itself with the essential. The incidental in politics passes; but the essential has proved surprisingly unchanging as the centuries have unrolled.

For over fifty years Mr. Cockran's avocation was public speaking, while the law was his vocation. In preparation for occasional addresses, it was his custom to study his subject in detail, storing his retentive memory with material from a wide range of reading, and then to trust to the inspiration of the moment for the phrasing of his sentences. Such manuscripts as he left were for the most part merely dictated memories of addresses already delivered; and some of his most famous speeches were never either written or dictated. They were called forth by sudden emergencies, and remain only in the form of fragmentary notes taken by chance stenographers who were unable to follow with accuracy or completeness his rapid argument, or his bursts of impassioned eloquence. Such is the case with his denunciation of Grover Cleveland in the Democratic National Convention of 1892, perhaps the most widely known of all his speeches.

While much of his speaking was political in character, his chief enthusiasm centered upon three great themes:

The Irish Race;

The Roman Catholic Religion;

The Ideals of Liberty.

Of the three hundred manuscripts which he left, almost all deal more or less directly with one or more of these; and his interest in each covers, not alone the period of his public career, but his whole mature life. His love of Ireland, as he often said, grew ever deeper as the years went by, and he counted confidently upon the presence of that same affection in every Irishman, rich or poor, learned or ignorant, whether high in power and social station, or one of the world's humble toilers. To him, always, an Irishman was a blood-brother, and Irish freedom the clarion call that never failed to stir.

By unselfish devotion to the work of the Roman Catholic Church, he won a unique position among the Roman Catholics of America, and in the end stood, unrivalled, the most beloved and trusted of the laymen of his faith. To him prelates turned instinctively when some great ecclesiastical function demanded an eloquent voice, a loyal heart, and a skillful, devoted advocate. From a hundred platforms he pleaded the cause of religion which came first in his life; and during his later years he allowed nothing to interfere with his habit of taking the Blessed Sacrament every day.

Whether his subject was political, racial or religious, however, the theme, Liberty, was ever on his tongue; and to him America was the apotheosis of Liberty. An Irishman by birth, a Continental by education, he was an American by choice; and his brilliant mind loved to linger upon the consideration of those elements in American life and American liberty which have been strong enough to change the men of many races and many nationalities into Americans as real as though their ancestors had fought with Washington to make this nation, or with Lincoln to save it. His deep love for the land of his birth could never rival his deeper love for the land

of his adoption, but his memory of other days, days when he was not an American, made him analyze the more critically the meaning of his new allegiance, and see, more clearly, perhaps, than he could have seen as a native-born American, the essential meaning of the Liberty which Americans enjoy, often without giving much thought to the basis upon which it rests. In almost every speech which he uttered, Mr. Cockran emphasized the fact that the greatest lessons taught by American history are lessons, not for Americans alone, but for all mankind; for all those whose aim is liberty and whose need is light. Therefore, it is appropriate that this volume be entitled, "*In the Name of Liberty.*"

ROBERT MCELROY,
Editor.

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In the Name of Liberty

In the Name of Liberty

I

Abraham Lincoln

IT is no exaggeration to say that Abraham Lincoln is the phenomenon of all the ages. Better than any other statesman of any period or of any country, he realized the value of justice as the rule of political conduct, and proclaimed it with indomitable courage in the teeth of appalling dangers. He was great in action, which is for the present, greater still in vision, which is for the future, and greatest in character, which is for all time.

In every great crisis in our history, save that which he met, the man who won the glory was less the originator of a new policy than an instrument for carrying out policies originated by others. In the revolutionary period, public opinion was a resistless tide moved by a common impulse, and finding expression through many channels. Patrick Henry was the orator who inspired it; Jefferson was the publicist who embodied its ideals in the Declaration of Independence; Washington was the soldier who enforced it on the field of battle, and the patriot of commanding virtue through whose influence its fruits were harvested in an enduring and beneficent constitutional system. The acquisition of Louisiana by peaceful purchase, though a conspicuous feature of

Jefferson's administration, did not originate with Jefferson; nor indeed was it desired by him. In proclaiming the Monroe Doctrine, James Monroe only uttered policies which the past had formulated, and in words not his own.

But Lincoln embodied in himself the greatest qualities possessed during other periods by different leaders, and he himself played all their parts. He was the orator who defined the issues and fired the popular heart in support of justice. He was the political leader who organized the forces of justice and led them on to victory. He was the great administrator who developed new powers in the Presidency and exalted its dignity by the manner in which he exercised them. He was the great military chieftain who taught the world new lessons of organization. He was the constructive statesman who, finding the government tottering to dissolution, reorganized it on lines that have made it indestructible.

I do not need to give here a summary of his biography. Every detail of his life is familiar to the people who cherish his memory, not merely as a national possession of immeasurable importance, but as a personal possession of peculiar value.

He himself contributed the following brief sketch of his career to the Dictionary of Congress in June, 1858, the day after his nomination for senator against Stephen A. Douglas had raised him to a conspicuous position in the civic life of the country:

Born, February 12, 1809, in Hardin County, Kentucky.

Education defective.

Profession, a lawyer.

Have been a captain of volunteers in Black Hawk war.

Postmaster at a very small office.

Four times a member of the Illinois Legislature, and was a member of the Lower House of Congress.

His life up to this time, when he was forty-nine years of age, presented nothing remarkable. It might have been that of any one among hundreds of the resolute men whose unflagging perseverance in industry, indomitable courage in the teeth of peril, and persistent resolution in the presence of difficulty redeemed the west from savagery and waste to cultivation and abundance.

A later biographical sketch, prepared by him when a candidate for the Presidential nomination, gives fuller information regarding the meaning of the phrase, "education defective." "The aggregate of all his schooling," it says, "did not amount to one year. He was never in a college or academy as a student, and never inside a college or academy building till since he had a law license. What he has in the way of education he has picked up. After he was twenty-three and had separated from his father, he studied English grammar, imperfectly of course, but so as to speak and write as well as he now does. He studied and nearly mastered the six books of Euclid since he was a member of Congress. He regrets his want of education, and does what he can to supply the want."

How gloriously he did supply it is shown by the unmatched record of his achievements during the five crowded years that remained of his earthly life. Called suddenly in his fiftieth year from the obscurity of a country lawyer to the leadership of forces destined to work a revolution in the political system of the Republic, and in his fifty-second year chosen to the Presidency of the Republic, he proved himself the possessor of more varied talents, the author of more different successes, than any man in history. In each field of activity he excelled the most experienced, eclipsed the most brilliant, outstripped the most successful.

Surveying this majestic figure, looming ever grander and more sublime as it recedes further into the past, I

firmly believe that the final verdict of history will fix his place first among the architects and preservers of our political system, and that the judgment of posterity will hold his influence on human progress to be the most decisive and the most beneficent of any man who ever addressed his fellows—led a popular cause—directed armies—administered a government, founded, preserved or perfected a political system in the whole course of civilized society.

I am aware that in thus estimating the services he rendered his country, the contribution he made to civilization and the influence he is likely to exercise on human progress, I have assigned him a higher place than any eulogist who has spoken of him, or any biographer who has written of him, yet I believe I am but doing him simple justice, and that this conception will be completely justified if we take into account the political situation of this country when he first leaped into national prominence.

In 1856 the platform of the newly organized Republican party seemed certain, within a short time, to become the settled policy of the country; and the essence of that platform was the restriction of slavery to the territory where it already existed, and its exclusion from new regions belonging to the Federal government. Then came the Dred Scott decision of 1857, furnishing to the advocates of the further extension of slavery a shield behind which they could skulk, disguising their cowardice in protestations of respect for the court and devotion to the constitution. This decision meant in essence that the slave power, though a minority, could push its peculiar institution into every new state claiming admission into the Union, and could do so under the positive sanction of the Constitution of the United States as expounded by the court of last appeal. It was of course inconsistent

with the theory of popular sovereignty according to which the settlers of a territory, following the precedent set in California and approved in 1852 by both political parties, could themselves determine whether or not slavery was to be admitted within their borders; but, like the doctrine of popular sovereignty, the Dred Scott decision opened to the slave holders a chance of extending their system to new territories.

In the face of these two powerful allies of slavery extension, the chances of the platform of 1856, which opposed the extension of slavery by any means or upon any pretext, seemed small indeed when Lincoln faced Stephen A. Douglas, the champion of popular sovereignty in the race for the senatorship from Illinois in 1858.

Appearing before the convention which had named him as the Republican senatorial candidate, Lincoln made a speech which startled the free states from their indifference by making it perfectly clear that the issue before the country had ceased to be related merely to remote territories beyond the Mississippi, and had become a question which concerned their own daily existence. It was not whether they would permit the extension of slavery into new and distant soil; but into their own soil. Beginning with that immortal declaration, "A house divided against itself cannot stand," he proceeded with unanswerable logic to show that as the Supreme Court had just held in the Dred Scott case that a slave being property, neither Congress nor territorial legislation could prevent a citizen from entering any territory of the United States and taking with him his property without in any way impairing his title to it, whether that property were a living slave or an inert chattel, there was nothing to prevent the same court from deciding that no state could prevent a citizen from entering within its boundaries, bringing his property

with him, whether that property was a human slave or some other chattel. For the right of a citizen to enter a territory with his property was precisely the same as his right to enter a state, and therefore, no state under this doctrine would be able to exclude slavery from its own territory under the Constitution of the United States.

When the election for Senator came, Lincoln was defeated; but during the debates he had ceased to be merely a local figure. He had suddenly become a national champion of a great issue, the spokesman of the cause of preventing slavery extension. From state to state, from city to city, he went, proclaiming in burning terms the unconquerable, undying issue between freedom and slavery, between justice and plunder, between right and wrong. His speeches animated public feeling to effective action against the monstrous iniquity which seemed so deeply entrenched in our political system as to be unassailable, and at the same time, restrained public indignation within the limits which made it effective. Never once did he urge a course for which popular opinion was not prepared. Wisely, by confining himself to a demand, not for the abolition of slavery, which would have been futile, but for the restriction of slavery to territory where it had always existed, he extended his demand as public conscience became more keenly alive to the inherent vice of the foul system he attacked. His keen vision and power of lucid explanation enabled him to make clear a new pathway, to blaze a new trail. He had the courage to proclaim, unflinching, the truth that the question of the extension of slavery was a moral issue, and therefore outside the realm of legitimate compromise. With remorseless logic, with inspiring eloquence, he showed the difference between the slave states and the free states to be an irreconcilable difference. He forced

the anti-slavery hosts to see that their only choice lay between defense of right and supine submission to wrong. And such submission he held up to scorn, urging defiance in the sublime invocation:

Neither let us be slandered from our duty by false accusations against us, nor frightened from it by menaces of destruction to the government nor of dungeons to ourselves. Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it.

He was giving a new chance to the Republican platform of 1856 which the Dred Scott decision had so nearly rendered hopeless.

When the Republican Convention assembled at Chicago, on May 16th, 1860, it adopted a platform which was but an epitome of Lincoln's speeches against the extension of slavery, and he became its nominee for the presidency. On May 23rd, he accepted the nomination in a letter of a few words, but, except for a short address to his neighbors in Springfield, he uttered no word during the campaign. Calmly, soberly he watched the progress of events, holding himself ready to deal with them as they arose.

After the election his qualities of leadership were put to a rude test. Never in the range of human experience was a test so severe met with triumph so decisive and so splendid. Preparations for secession having become open and active, without any interference by the executive actually in office, attempts were made by many persons of considerable weight and importance to obtain from Lincoln some assurance that he might, in the interest of peace and order, consider a modification of the platform on which he had been elected, and cease to oppose the extension of slavery into new territories; but

upon that point they found him firm as a wall of burnished steel.

As the date of his inauguration approached, preparations for secession multiplied, and for a time there was uncertainty in the public mind as to what he would do were secession attempted. Many among his strongest supporters were inclined to believe that the southern states, if they wished to secede, would be allowed to go in peace. The business interests, then as always dreading disturbances in trade, professed to believe that such a thing as preventing by force a state from seceding was quite unthinkable, and they undertook to assert that the President-Elect would never contemplate such a form of violence.

In a letter to Thurlow Weed, on December 17th, 1860, after reasserting inflexible determination to prevent slavery extension, Lincoln said:

I believe you can pretend to find but little, if anything, in my speeches about secession. But my opinion is, that no state can in any way lawfully get out of the Union without the consent of the others; and that it is the duty of the President and other government functionaries to run the machine as it is.

At this point, as preparations for secession grew more conspicuous, Lincoln realized that a deeper feeling could be aroused for preserving the Union than for restricting slavery, and he displayed his consummate political powers by stressing this issue, though not for a moment abandoning his purpose to press the less popular one.

If before this time he had announced definitely either of the purposes which later he made the sole condition on which peace could be restored, it is doubtful whether he could have raised a single regiment to sustain him in the field. Many there were who feared the disruption of

the country; but most of them were even yet unwilling to fight for its preservation.

On his way to Washington for the inauguration, Lincoln delivered a series of speeches in various towns, all of them embodying appeals for the salvation of the Union; but always his attitude was strictly defensive. If war should come it must be by assault from seceding states, not by aggression from the side of the federal government; and his inaugural address breathed the same spirit of conciliation, though with it was manifested a firm determination to uphold the Union. To the men who were advocating secession, he declared, "You can have no conflict without being yourselves the aggressors. You have no oath registered in Heaven to destroy the government, while I shall have the most solemn one to preserve, protect and defend it."

When Lincoln took the oath of office, the government was largely in the hands of southern sympathizers. Several states had already seceded. Others were preparing for secession. The late administration had not prevented seceding states from taking possession of property belonging to the Union, and had left the impression that the nation would not defend itself against movements for its dissolution. With infinite kindness, with marvelous patience, but with unfaltering courage, Lincoln insisted that the first hostile act must come from the seceders. His caution was denounced as irresolution, his kindness as cowardice, even members of his cabinet scarcely concealing their contempt for what they considered his lack of definite policy. But he had charted his course, and awaited the moment for action, the moment which would enable him to call for defenders without even the suspicion of aggression.

And when at last the batteries of Charleston harbor were turned upon the Federal flag over Fort Sumter, he

knew that the moment had arrived; and he called upon the people to defend their country. The response was overwhelming.

From that hour there was neither delay nor hesitation, nor was there in the mind of the President the least uncertainty regarding the purpose of the conflict. On August 22nd, 1862, he wrote to Horace Greeley:

My paramount object in this struggle is to save the Union, and is not either to save or to destroy slavery. If I could save the Union without freeing any slave, I would do it, and if I could save it by freeing all the slaves, I would do it, and if I could save it by freeing some and leaving others alone, I would also do that. What I do about slavery and the colored race, I do because I believe it helps to save the Union.

And still he watched public sentiment, marking each advance of liberty in the hearts of men, ever waiting for the hour when he might deal a mortal blow at slavery, without endangering the safety of that Union, the preservation of which he placed first. On September 22nd, 1862, he took his trial balance, by issuing a preliminary Emancipation Proclamation, the acceptance of which convinced him that the public conscience was at last ready for emancipation as a movement of military necessity. Accordingly, on December 30th, he submitted to his cabinet for final revision a draft for the Emancipation Proclamation which, on January 1st, was formally issued in its final form.

From that day the abolition of slavery became one of the objects for which the war was to be fought to the end. Thenceforth no suggestion of peace was considered that did not embrace abolition of slavery as well as maintenance of the Union. Public opinion had been educated to realize that slavery and Union were incompatible, except upon the condition stated by Mr. Lin-

coln in his first address delivered at the Illinois State Convention that the whole country must be free or the whole country must be slave; and for the next two years the conflict was waged upon the issue that the whole country must be free. The war for the Union had become also a war for Liberty.

It is difficult to conceive, impossible to picture, the unwearying patience, the unabated diligence, the unswerving rectitude with which Abraham Lincoln pursued these two objects, in the face of difficulties almost incalculable. And in the end both were achieved.

The only figure with whom American opinion cares to compare Lincoln is Washington. These two we have set apart, each upon his pinnacle, lifted high above the others; and it may still be too early to estimate their relative greatness. Washington emancipated this country from the danger of foreign domination. Lincoln delivered it from the peril of domestic secession. Washington persuaded the states to form a federal Union, but left undetermined the question whether that Union was a mere compact from which any state might withdraw, or a government that could defend its own existence and enforce its authority even against a state. Lincoln made the Union indissoluble, indestructible. Washington established freedom for part of our population. Lincoln made freedom the birthright of all the people. Washington helped to draft a constitution which in its own preamble declared its object to be to establish justice; but the justice which it established was for white men only. Lincoln made that constitution a force which renders justice the possession of all men. In his Farewell Address, Washington left a legacy of wisdom which will be cherished so long as human history shall endure. But the eloquence of Lincoln's Second

Inaugural Address is approached by no other utterance purely human. It is the highest monument to morality and justice ever built of the words of man, an incomparable masterpiece, without parallel in the range of literature. In its sentences of haunting beauty Lincoln bemoaned the length of the war, yet without one word of bitterness against the foe. He spoke with forbearance, almost with tenderness, of the enemy who had wrought such injury to his beloved country, seeming at times almost to excuse him. With no suggestion of reproach, he acknowledged that both sides read the same Bible, prayed to the same God, each invoking His aid in the war, strange though it seemed that any man should dare to ask a just God's assistance in wringing bread from the sweat of other men's faces. Sadly he suggested that the war might be a penalty imposed by Almighty God upon this nation for having tolerated slavery, and concluded with the words:

Fondly do we hope—fervently do we pray,—that this mighty scourge of war may speedily pass away. Yet if God wills that it continue until all the wealth piled by the bond-man's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "The judgments of the Lord are true and righteous altogether."

With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle and for his widow, and his orphan,—to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

Philosophers teach us that there is no such thing as an innate idea, that all thoughts are suggested by other

thoughts. Where must we look for the original germ from which was evolved the sublime political morality embodied in this masterpiece of language? Not in the words of any orator, the writings of any philosopher, the policy of any statesman, the administration of any ruler who has ever moved, advised, or governed a political society. We must go back to the establishment of Christianity, to the words uttered by its founder on the mountain side, while multitudes listened in awe and wonder asking each other, what manner of man was this, who spoke as never man spoke.

Picture to yourselves the condition under which that sermon was preached, and then measure the progress made by the race before Lincoln thus applied the fundamental justice of Christianity to a great political crisis. The Sermon on the Mount was addressed to a society in which government was despotic, all labor servile, all classes animated by deadly enmity against each other, the slave hating the master who robbed him of the things produced by his labor, and restrained from killing him only by fear of terrible punishment; the master distrusting the slave whom he fettered and scourged and pillaged. Rich and poor were sunk in a depravity that was unspeakable. Fear was the only bond which held society together, the nobles cowering before Cæsar, Cæsar distrusting the nobles. It was to such a society that the Divine Preacher delivered the gospel of mutual love, mutual confidence, and mutual service. Ever since that sermon was preached, the world had been moving steadily, even if slowly, toward the observance of the law that it laid down. But never, until the delivery of Lincoln's Second Inaugural Address, were its political implications so fully enunciated, its lofty ethics so fearlessly applied to pending problems. He spoke in the name of Liberty, employing the language of peace, while not flinching

from the duties imposed by war. He counselled kindness, glorified justice, outlawed hate, and turned the eyes of a war-weary nation toward the spirit of the Master.

And it is the glory of America that she has obeyed Lincoln's words. She has done justice, regardless of cost. She has sought first the Kingdom of God, and His righteousness; and, behold, how all things have been added unto her!

II

Sound Money

MR. CHAIRMAN, ladies and gentlemen, fellow Democrats all: With the inspiring strains of the national song still ringing in our ears, who can doubt the issue of this campaign? That issue has been well stated by your presiding officer. Stripped, as he says, of all verbal disguise, it is an issue of common honesty; an issue between an honest discharge and a dishonest repudiation of public and private obligations. It is a question as to whether the powers of this government shall be used to protect honest industry or to tempt the citizen to dishonesty. On this question honest men cannot differ. It is one of morals and justice. It involves the existence of social order. It is a contest for civilization itself. If it be disheartening to Democrats and to lovers of free institutions that an issue of this character should be projected into a Presidential campaign, this meeting furnishes us with an inspiring proof of the manner in which it will be decided by the people and of the part which Democrats will take in the decision. A Democratic Convention may renounce the Democratic faith, but the Democracy remains faithful to Democratic principles. Democratic leaders may betray a party convention to the Populists but they cannot seduce the footsteps of Democratic voters from the pathway of honor and of justice. A candidate

bearing the nomination of a Democratic Convention may in this hall open a canvass leveled against the foundations of social order, and forthwith he beholds the Democratic masses confronting him in meetings organized for their defence.

Fellow Democrats, let us not disguise from ourselves the fact that we bear in this contest a serious and solemn burden of duty. We must raise our hands against the nominee of our party, and we must do it to preserve the existence of that party itself. We must oppose the nominee of the Chicago Convention, and we know full well that the success of our opposition will mean our own exclusion from public life; but we will be consoled and gratified by the reflection that it will prove that the American people cannot be divided into parties on a question of morals or of common honesty.

We would look in vain through the speech delivered here one week ago to find a true statement of the issue involved in this canvass. Indeed, I believe it is doubtful if the candidate himself quite understands the nature of the faith which he professes. I say this not in criticism of his ability, but in justice to his morality. I believe that if he himself understood the inevitable consequences of the doctrine which he preaches, his own hands would be the very first to tear down the platform on which he stands.

There was one statement in that speech which was quite free from ambiguity, and which was pregnant with hope to the lovers of order. I refer to those words in which Mr. Bryan professed his profound belief in the honesty of the American masses, and quoted Abraham Lincoln in support of the faith that was in him. I do not believe that the faith of Abraham Lincoln was ever more significantly justified than in the change that has come over the spirit and the tone of Populistic eloquence since

the Chicago Convention. We all remember the lurid rhetoric which during the sessions of that extraordinary body glowed as fiercely against the Western skies as those sunsets which, every evening during the last week, foretold the torrid heat of the ensuing day; yet here upon this platform we found the orator whose words moved that convention to frenzy, expressing his sentiments in language as mild and insipid as the waters of a stagnant pool. The candidate who was swept into nomination on a wave of sectional hate awakened by appeals to prejudice and greed; who, on his homeward trip and in the initial stages of his trip eastward, declared that his canvass for the Presidency was a revolutionary movement, no sooner found himself face to face with the American electorate than he realized that this soil is not propitious to revolution; that the people of this country will not change institutions which have stood the tests and experiences of a century for institutions based upon the fantastic dreams of Populist agitators; that the American Nation will never consent to substitute for the Republic of Washington, of Jefferson and of Jackson the Republic of Altgeld, of Tillman or of Bryan. The sober opinion of the common people which caused the vivid oratory of the Chicago Convention to burn on this platform low and soft as the moonlight which bathes our streets to-night, has already shown its power to control Populistic eloquence, and it will give Abraham Lincoln's prophecy a full and triumphant vindication when it crushes the seed of Populistic Socialism next November.

My friends, there is another portion of Mr. Bryan's speech which is singularly free from obscurity. It is comprised within the two initial paragraphs where he talks logically, consistently, plainly the language of revolution. Whatever change may have come over his manner as a candidate, however much the vehemence of his

rhetoric may have been reduced since his nomination, the things for which he stands remain unaltered. In this hall he defended the most revolutionary planks of the Chicago platform in speech less vehement, but not less earnest, than that in which he supported their adoption in the Convention. On this platform he defended the Populistic threat to overthrow the independence of the Supreme Court. If the establishment of our Republic has yielded any fruit of especial benefit to mankind it has been the demonstration that it is possible, by the organization of an independent judicial tribunal, to safeguard and protect against any invasion from any source, however powerful, those inalienable and fundamental privileges which it is the function of civilization to preserve to every citizen. Yet we find this Democratic Convention, because a Populist measure was condemned as unconstitutional, proposing not to amend the Constitution in the ordinary way prescribed by that instrument itself, but proposing to pack the Court—to reorganize it so that it will pronounce laws to be constitutional which the Constitution itself condemns. This is a proposal to make the courts of law instruments of lawlessness; to violate the pact between the States on which the security of this Nation rests; to profane that sacred covenant in the temple erected for its protection—by the hands of false priests who, though sworn to defend it, will be appointed to destroy it.

In the time to which I must confine myself to-night I can do nothing, however, but discuss one aspect of the question which Mr. Bryan himself declares to be the overshadowing issue of this campaign. Mr. Bryan asserts that all questions sink into insignificance in the presence of the money question, although I am a little puzzled when I read his speech of acceptance to decide just what he himself imagines would be the result of a change in the

standard by which values are measured throughout this country. I do not believe that any man can quarrel wholly with the speech; because if he dissents from one set of conclusions he has but to read a few paragraphs, and he will find another of a different variety. But I assume that it is fair in a discussion of this character, independently of what Mr. Bryan may say or what Mr. Bryan himself may think he stands for, to examine the inevitable consequences of a debasement of the coinage, according to the economic experiences of the whole world.

Now, I will concede that Mr. Bryan himself may believe that, in some way or other, the adoption of the financial scheme which he supports would benefit the toilers of this country. He says it would, but he declines to show us how. If Mr. Bryan could show me that by any means revealed to the comprehension of man, wages could be increased by act of government, I am ready to support him here and now, because there is no test of general prosperity absolutely infallible except the rate of wages paid to laborers. Where the rate of wages is high there cannot be distress. Where the rate of wages is low there cannot be prosperity.

If, then, Mr. Bryan can show me that by the enforcement of any portion of his programme wages will be increased in this country, I will not only support him but I will recognize him as the wisest oracle that ever opened his mouth since the beginning of the world. I will be ready to confess that the rhetoric, which I do not now understand, is really the language of inspiration. I would regard his election to the Presidency as the kindling of a great light before the footsteps of man, showing him a broad pathway to endless happiness and measureless prosperity. But in searching through his speech, in wading through the whole tide of Populistic literature with which this country has been flooded for four years,

I have never yet found one syllable which showed me how a Populist expected to increase the rate of wages.

In order to justify the remark that the rate of wages is the only infallible test of prosperity, we have but to consider for a moment just what is meant by the term wages. Wages, as I suppose everybody here understands, is that part of his own product which the laborer receives in compensation for his toil. If, for instance, I be a laborer engaged in making chairs, and if I can make five chairs every day worth \$20 and the rate of my wages is \$4 a day, it is plain that my compensation is one-fifth of my own product, and what I actually get is one chair out of the five which I make. The other four chairs, the remaining four-fifths of my product, are devoted to the payment of all the other labor that has been expended in preparing the elements out of which the chairs were made, and the profit on the capital which set all this labor in motion. It is plain, however, that it would profit me little to take a chair home with me at night and attempt to pay my bills with it. The moment I undertook to divide one chair among several creditors, that moment it would lose its value; so instead of taking the chair, which I cannot divide, I take its equivalent in money, which I can divide, and with that money I pay the butcher, the grocer and the various persons to whom I am indebted for the necessaries of life.

If instead of five chairs I were able to make ten chairs and the rate of my compensation remained the same, my wages would be two chairs, or \$8 a day; but instead of there being four chairs or \$16 available for the payment of other labor, there would then be eight chairs or \$32 to be distributed among those who contributed to my product at various stages of its manufacture. Thus my wages depend upon the amount of my product and nothing else. The larger my product, the higher my wages, and the

greater the prosperity in the chair-making industry. Now, applying that principle to every other department of production, we see that the man who works on the construction of a tunnel cannot take a part of the tunnel home with him; nor can the man who paves the street take part of the highway with him each day for his wages; but each one takes a sum of money equal in value to that part of his product which is due to him for wages. Clearly, then, the laborer is the man who has the most vital interest in the character of the money in which his daily wage is paid.

Now, when we come to inquire just how Mr. Bryan expects to increase the wages of labor we find ourselves lost in a maze of contradictions, and in a haze of obscure expressions. No man can tell from his language how or where or when, the wages of the workingman are to be increased; but any one who examines his scheme can see for himself that the inevitable consequence of a debasement in the standard of value must be a reduction in the value and therefore in the rate of wages.

Mr. Bryan tells us that he wants to cheapen the dollar; that he wants to increase the volume of money. I do not believe that any man who ever lived could quite understand a Populist's notion of what money is, further than that he believes it is a desirable thing to get, and that he is not very particular about the means by which he may place his hands on it. Nothing is more common in Populist oratory than the statement that the volume of money must be increased for the benefit of the people—which means, I suppose, that part of the people who run and manage and address Populist meetings. In one of the speeches which Mr. Bryan delivered on his way East, he declared that any man who objected to too much money should vote the other ticket.

Now, my friends, I will ask you to indulge me for a

moment while I state the conception which sensible men have formed of money, so that in discussing this question hereafter we will not be misled by those economic expressions which were originally framed for the information of man, but which the Populist has so perverted from their original significance that they operate for the confusion of his own judgment and the distraction of his auditors. Nothing is more common than the mistake that redundant money and prosperity are inseparable. They are not. A redundancy of money does not prove the existence of prosperity. There may be a very large volume of circulating medium and very great poverty. The issue of paper money by a government is no more an increase of national wealth than the issue by an individual of a promissory note is an increase of his property. As a matter of fact an increase even in the coinage of metallic money is no proof of an increase in property, but may be a strong proof of a decrease in wealth.

Let us take, for instance, this gold watch-case. It is worth its bullion value plus the labor that has been expended on it. If I melt it down into a ten-dollar gold piece it is worth nothing but its bullion value. I could not buy a similar watch-case with the coin which would be coined out of this one. Here there would be an increase in the quantity of my money, but a decrease in the volume of my wealth. The pretence that men can be enriched by swelling the volume of the currency is a delusion which has affected mankind at recurring intervals since the dawn of civilization.

The volume of money plays but a small part even in the ordinary transactions of life. It is not the volume of money, but the activity of money that counts in stimulating trade. If a person wants to see just how a dollar works in those exchanges of commodities which constitute what is usually called retail business, he has but to

take a dollar from his pocket and go out into the street and buy some fruit. Now, the fruit dealer will take that dollar and buy some vegetables with it. The greengrocer, with the same dollar, will buy neckties. The dealer in neckties, with the same dollar, will buy meat, and so on. That one coin passing from hand to hand might circulate twenty dollars' worth of commodities in the course of a single day. And that one dollar circulating twenty dollars' worth of commodities makes more business and more trade than two dollars could make if together they circulated only ten dollars' worth of commodities.

Money can never circulate freely and actively unless there be absolute confidence in its value. If a man doubts whether the money in your pocket will be as valuable to-morrow as it is to-day, he will decline to exchange his commodity against it. This extraordinary campaign against honesty by raising a doubt as to the soundness of our money has frightened trade from the market places, and has been the cause of the hard times from which this country is suffering and from which it will not escape until the heel of popular condemnation is placed upon the Populist agitation which is undermining the foundations of credit.

Now, my friends, in the larger transactions of trade, money is very seldom used at all. The comparison of all commodities with some one commodity which we call money, for the purpose of fixing values, is largely a mental operation. If, for instance, a farmer sells a cargo of wheat in Chicago, a draft is drawn for the amount of the purchase price on London. That draft is sold here in New York to a merchant who owes for a consignment of silk from Lyons. A check from the New York banker who sold the draft is remitted to the farmer in payment of it. The farmer draws his own checks against that check for all the debts which he contracted in planting his crop,

in transporting it, and for his expense of living. Here is an exchange between a cargo of wheat and a cargo of silk in which money plays no part except that of fixing, by a mental operation, the rates at which those commodities were exchanged. And that is the method in which nearly every large transaction of commerce is conducted.

The basis of sound trade is sound money; money which is intrinsically valuable, money which, like the gold coinage of this country, the government cannot affect if it tries to. I can take a ten-dollar gold piece and I can defy all the power of all the governments of this earth to take five cents of value from it. Having earned it by the sweat of my brow, having earned it by the exercise of my brain, having earned it by the exchange of my commodities, I can go to the utmost ends of the earth, and wherever I present it its value will be unquestioned and unchallenged. Such a gold dollar, this meeting, the Democratic party, the honest masses of this country without distinction of party, demand shall be paid to the laborer when he earns it, and they are resolved that no power on earth shall cheat him in the slightest degree of that which he has earned by the sweat of his brow.

Now let us see how Mr. Bryan proposes to deal with this question. I have looked through his speech to find out just what he thinks he is going to do for the laboring man, and I find that he dismisses him with a very few and very unsatisfactory phrases. It is perfectly clear, however, that the purpose of the Populist is to raise the prices of certain commodities. Mr. Bryan's language is that his financial scheme will improve the condition of the majority of the people of this country; not the condition of all, but of the greatest number. Well, now, I don't suppose Mr. Bryan pretends to any miraculous power. I don't suppose he claims he can multiply the number of chairs upon this platform or upon this floor,

although he has shown his capacity to empty them. If he is to work any change in the conditions of men he must increase the material possessions of some part of the community. If he secured possession of the government to-morrow he could not create one single thing of value by any exercise of governmental power. No power ever yet exercised by tyrant or by constitutional magistrate can cause a barren field to become fruitful, can cause two blades of grass to grow where one grew before, can bring together the stones that compose this building and raise them into a stately temple dedicated to political discussion. No, the labor of man, and the labor of man alone can create wealth. If, then, Mr. Bryan intends to enrich somebody, the thing which he means to bestow on him he must take from somebody else. Who is to be despoiled and who is to be enriched by the exercise of this new scheme of government? My friend, the silver mine owner will get cheated with the rest. If ever the Populist has his way nobody will be benefited, not even Mr. Bryan.

I will venture to say here now that if the face of Providence should be averted from this land and such a calamity as Mr. Bryan's election were permitted to overtake it, the man who would suffer most by that event would be the false prophet, who, having torn down the temple of credit and of industry, would himself be torn to pieces by an outraged people whose prosperity he had ruined.

But let us follow Mr. Bryan's argument a little. Let us see what he means to do, according to the light which he himself has kindled for us.

We see that he can't enrich one man without impoverishing another. Government never can be generous and just at the same time, because if it be generous to one it must be oppressive to another. Mr. Bryan does not pretend that by any power given him from heaven he can find anything of value on the surface of this earth

that is without an owner, and therefore he can't honestly bestow it upon a favorite. But his financial scheme contemplates an increase in the price of certain commodities.

But, my friends, we are coming now pretty close to the woodpile behind which the traditional African is concealed; we are approaching the very crux of this discussion. Mr. Bryan proposes to increase the price of commodities. If he means anything, he means that, although I am not quite sure that he means anything. Now, if everything in this world or in this country, including labor, be increased in value to-morrow in like proportion, not one of us would be affected in any degree. If that were the whole of Mr. Bryan's scheme he would never have received a Populist nomination to give him importance in the eyes of this community. If that were all that the Chicago platform meant, he would not be supporting it, and I would not be taking the trouble to oppose it. If everything in the world were increased ten per cent. in value, why, we would pay ten per cent. more for what we would buy, and get ten per cent. more for what we would sell, and we would all be in the same place which we occupy now.

It is fair to assume that such a lame and impotent conclusion is not the object which this revolutionary movement contemplates.

What, then, is the object of those whom Mr. Bryan leads. It is to increase the price of commodities and allow labor to shift for itself. If the price of commodities be increased and the price of labor left stationary, it must be plain to the most limited intelligence that a reduction in the rate of wages is accomplished. If, instead of a dollar which is equal to one hundred cents, with the purchasing power of one hundred cents anywhere in the world, the laborer is to be paid in dollars worth fifty cents

each, he can only buy half as much with a day's wages as he can buy now, and the rate of his wages would therefore be diminished one-half. If the value of this Populist scheme is to be tested for himself by any laboring man of this country, let him ask Mr. Bryan and his Populist friends the simple, common, every-day question, "In your scheme of beneficence, where do I come in?" Mr. Bryan himself has a glimmering idea of where the laborer will come in, or, rather, of where he will be left out.

There is one paragraph in his speech of acceptance, which, whether it was the result of an unconscious stumbling into candor, or whether it was a contribution to truth exacted by logic in the stress of discussion, I am unable to say. But it sheds a flood of light upon the whole purpose underlying this Populist agitation.

Wage earners (Mr. Bryan says), know that while a gold standard raises the purchasing power of the dollar, it also makes it more difficult to obtain possession of the dollar; they know that employment is less permanent, loss of work more probable and re-employment less certain.

This clearly is a statement that a cheaper dollar would give the laborer steadier employment and a better chance to get re-employment after he had been discharged. Now, if that means anything to a sane man, it means that if the laborer is willing to have his wages reduced he will get more work.

This statement is not original with Mr. Bryan. There never was an employer of labor who meant to make a cut in wages who did not say the same thing. I have never yet heard of anybody who attempted to cut down the rate of wages, and who told his men that he did it because he liked to do it. On the contrary, such an employer would tell his men: "If you do not submit to such

a cut in wages, I cannot employ you more than half the time," and Mr. Bryan says exactly the same thing when he proposes that the laboring masses of this community accept their wage in a dollar of reduced purchasing power, so that employment will become more certain and the chance of re-employment more frequent. If it were true that a reduction in the rate of wages would increase the chances of employment, I would not blame Mr. Bryan for telling the truth, because, however unpalatable the truth may be, I believe any man who assumes to address his fellow citizens should never shrink from stating the whole truth, whatever may be the consequences to himself.

But, as a matter of fact a diminution in the rate of wages does not indicate an increase but a decrease in the field of employment. If this audience has done me the honor to follow me while I explained the principle on which wages are fixed, it must be clear that the more abundant the product, the higher the wages. You cannot have high wages unless there is an extensive production in every department of industry, and that is why I claim that the rate of wages is the one infallible test of a country's condition. An abundant production of commodities is obviously impossible unless labor be widely employed, and an active demand for labor necessarily involves a high rate of wages. High wages, then, is the necessary fruit of abundant production, and abundance necessarily means prosperity. Mr. Bryan, on the other hand, would have you believe that prosperity is advanced by cheapening the rate of wages. But a fall in the rate of wages always comes from a restricted production, because a reduction in the volume of products necessarily causes a narrower demand for labor. When, after the panic of 1873, the price of labor fell to ninety cents, it was harder to obtain employment than when the rate of wages was two dollars a day.

The difference between the Populist who seeks to cut down the rate of wages and the Democrat who seeks to maintain it is, that the Democrat believes high wages and prosperity are inseparable and interdependent, while the Populist thinks lower wages would diminish the cost of agricultural production, and he thinks he can carry this election by tempting the farmer to make war upon his own workingmen.

But the Populist tells us, and Mr. Bryan leads the van in saying, that the creditor is a public enemy who should be deprived of the rights which he now enjoys under the laws of this country. Mr. Bryan says there will be two kinds of metallic money in existence when his system of coinage shall have been established, and if there be a difference of value between them he argues that the debtor should have an option as to the metal in which he would pay his debt; that is to say, he should be permitted by the law to commit an act of dishonesty. In order that you should understand just how a change in the standard of value would enable men to cheat each other you must consider the function which money plays in measuring debts. If I had paid ten dollars for ten yards of cloth, to be delivered to me next week, and in the interim the government should pass a law declaring that hereafter the yard measure should consist of eighteen inches and that all existing contracts should be settled by the new standard of measure, I would be cheated out of half of the cloth for which I had paid. If, on the other hand, I owed a cloth merchant ten dollars for ten yards of cloth which he had delivered to me, and before the date at which my debt became payable the government should change the standard of value and cut down the unit of coinage one-half, then I would settle that debt with the equivalent of five dollars as they now exist, and the cloth merchant would have been cheated out of the half

of his just due. That is just what the Populist programme proposes to do, and the important question that arises to the workman in this country is, who are the creditors and who are the debtors in this land.

The Populist loves to say that the creditor is a person who oppresses the Western farmer. He invariably paints him as loud of dress, coarse of feature, gaudy of ornament, with a cruel expression on his face, vicious in morals and hateful in appearance. He always declares that the money-lender and the creditor are synonymous expressions, but as a matter of fact the creditors of this country are not the bankers; they are not the so-called capitalists; they are the laborers, and if the creditor is to be cheated by a reduction in the value of the dollar it is at the expense of labor that the change must be made. During a discussion in the House of Representatives I advanced the proposition that a banker, in the nature of things, was not a creditor but a debtor, when I was interrupted by Mr. Bryan, who put to me a question which contains exactly the same statement concerning banks as that which he made here in his speech a week ago. I will read it to you:

I would like to ask the gentleman, whether it is not true that every solvent bank has for every dollar that it owes either somebody's note or the money in the vault and its own capital beside?

Now, my answer to that I can give here. "The loans and reserves of a solvent bank, taken together, must exceeds its liabilities; the excess represents its capital and profit; but as between their debts and their credits, all banks are debtors," which, my friends, will be apparent to you in a moment, if you consider that a bank cannot lend all its deposits at interest, but must keep twenty-

five per cent. of them in reserve. The very business of banking is the business of being in debt. It is the business of dealing with other people's money, and of course the money that a bank deals with is the money that it owes to its depositors.

But the laborer is always a creditor for at least one day's work. When any man can show me a laborer who has been paid in advance for a day's work, I will acknowledge the existence of a laborer who is a debtor. But every laborer that I have known in my experience, every laborer of whom I have ever heard in my examination of the conditions of men, must, by the very law of his being, be a creditor for at least one day's work, and he is generally a creditor for a week's work or two weeks' work. Every great industrial enterprise has for its chief creditors its own laborers. The heaviest account in every department of industry, whatever it may be, is always the wage account. Here is an abstract which will show you just how the earnings of a great corporation are distributed. The New York Central Railroad earns every year a gross amount of about forty-five million dollars. Of that sum, \$10,000,000 are paid for interest on bonds and for rental of leased railroads; \$4,000,000 are paid for dividends, \$13,000,000 are paid for equipment and repairs; \$15,500,000 are paid for wages.

If the New York Central Railroad went into the hands of a receiver to-morrow, if it became totally and hopelessly bankrupt, its dividends could be passed and its shareholders could not complain. The interest on its bonds might be in default, and the bondholders would be without redress; but while the road continued in operation the wages of the laborer would always be paid, for by the necessities of commerce they are the first lien upon the earnings of every industrial enterprise, not because the laborer is loved more than other creditors,

but because he is absolutely necessary to the existence of the enterprise.

The railway employees of the United States alone draw \$400,000,000 a year in wages. The figures from the United States Bureau of Statistics, show the total amount of wages paid every year in the United States, to be the stupendous sum of \$2,283,225,000. Talk of the interest on the National debt! Talk of the principal of the National debt! Talk of any other debt that exists throughout the civilized world and it forms but a very small percentage of the debt that is always due to labor, wherever man works and toils, wherever things of value are being created, wherever means of transportation are in operation, wherever the forces of civilization are at work. If the debts due to creditors be reduced one half by an arbitrary change in the measure of values, the laborers of this country would suffer a confiscation of their wages amounting to over a billion of dollars annually.

Now, a farm is an industrial enterprise. The pretence that the farmer of Nebraska is suffering under the weight of a mortgage which has steadily grown more burdensome owing to an appreciation in the value of money, is but a Populistic metaphor. Two-thirds of the farmers owe no mortgage debt whatever. I do not believe that five per cent. of them owe debts over three years old, and during that time there has been no change in the value of gold. Every farmer, however, has creditors in the persons of his own laborers. The campaign of the Populists is an attempt to enlist the farmer, West and South, in a conspiracy to reduce the wages paid these laborers. The financial scheme which would force down the wages of the agricultural laborer would necessarily affect the wages of all other laborers in like degree, and these Populists propose to reduce by nearly fifty per cent. the wages of every man who toils at the bench, who digs in the mines,

who mans a railway train, in the hope that they can ride into power on a wave of cupidity and greed awakened in the breast of the agricultural voter. But, my friends, it is a triumphant vindication of American citizenship that this attempt to enlist the American farmers in this conspiracy has failed miserably, utterly, absolutely. Every Western State which in 1890 and in 1892 fell into the hands of the Populists, before their real purposes were disclosed, has been purified, and the Populist forces were scourged by an indignant public opinion from the seats of government as soon as the farmers of this country learned the nature of the Populist programme. The farmer, who, when his country was in danger, shouldered his musket; who set it aside when the last shot had been fired on Southern battlefields; whose moderation prevented the political warriors at Washington from tarnishing the triumph of justice and humanity by a policy of proscription and punishment in the Southern States—that farmer who made the policy of the victorious North a policy of conciliation, of forgiveness, of reunion; whose hand went forth to the South when humbled and defeated she knelt amid the ashes of her cities and the ruin of her hopes, and, raising her to her feet, bade her “Go in peace and sin no more”—that farmer to-day is the bulwark of order and of property as in 1861 he was the mainstay of the Union.

In the Chicago Convention there were Populistic delegations from some States that had Democratic governments, but it is a significant fact that every Northern State in which there was a chance of electing a Democratic governor or of choosing Democratic electors, with the exception of Missouri and Indiana, stood boldly and firmly for the gold standard at Chicago, until they were submerged by a wave of Populism from the South. My friends, a great change has come over the Democratic Party of the Southern States. The men who, from a mis-

taken but chivalrous sense of loyalty, followed their States out of the Union; the heroes whose gallantry in war, and whose fortitude in defeat, won the admiration of the civilized world; the patriots whose virtues commanded the support of Northern public opinion in the struggle to overturn carpet-bag governments in the Southern States; the leaders who guided the members of the shattered Confederacy successfully through all the troubled period of reconstruction back into a full union with their sister States—these men, like Hampton, in South Carolina, and Caffery, in Louisiana, have been swept from power; new leaders have leaped to the front with Tillman as the exponent of their purposes, who boldly unfurled the sectional flag at Chicago and declared that this Populist movement to degrade labor by a debasement of the money in which wages are paid is an attack on the industry and the prosperity of the North and East.

Men of New York, toilers of America, builders and guardians of your own homes, will you allow your rate of wages to be fixed by any man who never has paid wages at all if he could avoid it? Will you submit to this conspiracy against your interests, between the professional farmers, the farmers who cultivate the quarrels of their neighbors, farmers who labor with their jaws, Populist agitators of the West and the unreconciled slaveholders of the South?

This is a conspiracy between the professional farmers who want to pay low wages and the unreconciled slaveholder who would like to pay no wages. Here is the real root of this conspiracy. Here is the explanation of the extraordinary political movement which culminated in the capture of the Democratic Convention at Chicago. Mr. Bryan did not create the Populist agitation. No man can create a movement like this. The forces that created it are active and have been working for years in a

thousand different directions. Like the drop of water on the crest of the wave—more conspicuous, but no more important, than the millions of drops that form its base—Mr. Bryan, though apparently leading the Populist agitation, is really being driven by it into wild and dangerous proposals. In whatever light we may examine these proposals we always find that the wages of labor is the objective point of Populist attack. When it is proposed to increase the prices of commodities, we find it is but a proposal to reduce the wages of labor by a reduction in their power to purchase the comforts and necessities of life. When it is proposed to cheat the creditor we find the laborer is the one creditor who cannot protect himself by demanding payment in advance for the labor which he has to sell. The Populist who tries to enlist the genuine farmers of this country in a conspiracy to deprive the laborer of a fair share in the property which he creates, is a foe to common honesty; he is an enemy to public order; he is an obstacle to progress; he is a conspirator against the peace and progress of the producing masses on whose industry the prosperity of this country depends.

I have said that the laborer is the object of this conspiracy, and he is. But let no one imagine that if it were successful the injury would all be borne by the man who works with his hands. He would be the first to suffer and the last to recover from its effects. But every producer of commodities, the farmer as well as the manufacturer, would be impoverished by the ruin of those upon whose purchasing power the profits of production depend; while the shock to civilization which would ensue from such a breach of public and private faith would be irreparable. Its effect no man could measure from any experience of the human race. We cannot tell to what degree it would paralyze industry.

If I were asked to define civilization, I should say it

was "Industrial co-operation." Everything that a man does for his own benefit acts directly upon the interests of his neighbors. No man can stand alone in a civilized community. His industry, his prospects, his fortunes are to some extent shared by all his fellows. There is not an ear of corn ripening in the Western fields that does not affect the price of bread to you and to me. The farmer who scatters seed upon the ground by that act starts into motion the wheels of the factory; he sharpens the tools of the mechanic; he stimulates the construction of railroads; he causes engineers to plan new bridges crossing currents, new tunnels under rivers, new canals joining oceans and separating continents, that the exchange of the products of human industry may be facilitated. If the farmer did not sow, if the miner did not dig in the subterranean gallery, every other department of industry would languish, for men would not produce and create commodities if each one did not see in the industry and activity of others the prospect of a demand for the commodity which he himself produces. And so every man in the world is bound closely to the destiny and interests of his fellow-man.

The influence which maintains in active operation the whole scheme of civilization is the confidence men have in each other—confidence in their honesty, confidence in their integrity, confidence in their industry, confidence in their success. It has been said that if we adopt a silver coinage, we still would have the same soil, the same mines, the same natural resources. And it is true, but the same rivers that roll past our cities, turning the wheels of industry as they pass, flowed in the same channels four hundred years ago; the same mountains were piled full of mineral treasures; the same atmosphere enwrapped this continent, the same soil covered the fields, the same sun shone in the heavens; yet no sound then broke the silence

of desolation except the savage pursuing the pathway of war through sombre forests, and the rivers bore no sign of life except the Indian in his canoe, bent on bloodshed and destruction. The Indian could not avail himself of the bounties of nature, because he was a savage incapable of joining in that general industrial co-operation by which men aid each other in taking from the bosom of the earth the property which makes life bearable; the protection of which leads to the establishment of law, and renders civilization possible. Anything which attacks that basis of human confidence is a crime against civilization and a blow against the foundations of social order.

The underlying trouble with all Populists is that they have a fundamental misconception of the principles on which civilized society is constructed. All through Mr. Bryan's speech, all through Mr. Tillman's utterances in the convention, we find the argument proceeds upon the theory that the interests of men are irreconcilably hostile to each other; that the condition of life is one of contest, cruel, ceaseless, merciless. At Chicago, Mr. Bryan declared:

When you come before us and tell us that we shall disturb your business interests, we reply that you have disturbed our business interests. We have petitioned, and our petitions have been scorned. We have entreated, and our entreaties have been disregarded. We have begged, and they have mocked, and our calamity came. We beg no longer; we entreat no more; we petition no more. We defy them!

I merely desire to call the attention of this gathering to the character of the speech which won for Mr. Bryan the nomination that makes him conspicuous; to the underlying spirit which pervades it, and then to ask the workingmen of this country, to ask the citizens of this Nation, if the government should be trusted to the hands

of men whose conception of civilized society is one of warfare and of strife?

We believe that the very essence of civilization is mutual interest, mutual forbearance, mutual co-operation. We believe that the world has made great strides in the pathway of progress since the time when men's hands were at one another's throats. We believe to-day that civilized men wherever they may be, at whatever tasks they may labor, are working together for a common purpose beneficial to all; and we believe that this attempt to arbitrarily reduce wages in this country, which means an attempt to attack the prosperity of all, will be resisted not by a class, but by the whole Nation. What labor has gained that it shall keep. The rate of wages that is paid to it to-day is the lowest rate the intelligent laborers of this country will ever willingly accept. We look forward to a further and a further increase in the prosperity of workingmen, not merely by an increase in the rate of wages, but by a further increase in the purchasing power of wages. Men who tell us that the farmer suffers because the prices of farm products have fallen while the cost of labor has risen, forget that the efficiency of labor has increased and the cost of production has been reduced through the aid of machinery, even though the wages of the individual laborer may have risen.

While we preserve in existence that system of mutual co-operation which is but another name for civilized society, all men must share in all the favors which Providence showers upon the earth. The dweller in the tenement house, stooping over the bench at which he toils through all the hours of the day, who never sees a field of waving corn, who never inhales the breezes that sweep over meadows laden with the perfume of grasses and flowers, is yet made a participator in the benefits which flow from the growing fertility of the soil, the purifying influ-

ence of the atmosphere, the ripening rays of the sun, when the necessities of life are cheapened to him by an abundant harvest.

It is from his share in this bounty that the Populist wants to exclude the American workingman by increasing the prices of bread and meat without any corresponding increase in the rate of wages. To him we say, in the name of humanity, in the name of progress, in the name of civilization, "You shall neither place a crown of thorns upon the brow of labor nor lay a scourge upon his back. You shall not rob him of any one advantage which he has gained by long years of steady progress in the skill with which he exercises his craft and by efficient organization among those who work with him at the same bench. You shall not obscure the golden prospect of a further improvement in his condition by a further cheapening in the cost of living, as well as by a further appreciation of the dollar in which his wages are paid." The man who raises his hand against the progress of the workingman raises his hand against prosperity. He seeks to restrict the volume of production. He seeks to degrade the condition of the man who in his own improvement is accomplishing an improvement in the condition of all mankind.

This wild attempt to divide the industrious people of this country into classes hostile to each other will fail. I do not regret this campaign. I am glad this issue has arisen. The time has come when the citizens of this country will show their capacity for self-government so that no man will again venture to challenge it. By defeating with crushing majorities the forces of disorder, they will prove that the men who have led the world in the pathway of progress will always be the vigilant guardians of liberty and order. They will not be seduced from honor by appeals to their cupidity or swerved from duty

by threats of injury. They will forever jealously guard and trim the lamp of Freedom. They will ever relentlessly extinguish under their heels the red torch of Populist destruction.

When this tide of agitation shall have receded, when this Populist assault upon common honesty and upon industry shall have been repelled, the foundations of this republic will remain undisturbed; this government will stand; still sheltering a people indissolubly wedded to freedom and law, sternly forbidding any distinction of burden or of privilege; conserving property, maintaining morality; resting forever upon the broad basis of American patriotism, American virtue, and American intelligence.

III

Expansion and Wages

TO guard against confusion of terms, it will be necessary to distinguish between "expansion," a word frequently occurring in the literature of this country, and "imperialism," a new expression with which we have become familiar during the last year. Expansion has always signified the extension of our institutions through the enlargement of our frontiers. Imperialism is not the diffusion of American constitutionalism over new lands, but the establishment in conquered territory by this Government of another government, radically irreconcilable to the spirit of our own constitution and essentially hostile to it. Expansion, then, may be defined as the peaceful development of our political system through an increase in the area of the United States, and imperialism as the forcible exercise by our Government in other countries of powers denied to it at home.

The absorption of Louisiana, Florida, Texas, California, Oregon, and Alaska was the extension of the United States to the Gulf of Mexico and the Pacific Ocean. This was expansion in the historic American sense—the expansion of our political system through the enlargement of our territory. On the other hand, to seize far distant lands by violence, and impose on their inhabitants, not our own benign constitutional government, but an arbitrary military despotism, would be an act of imperial-

ism inconsistent with the principle on which this Republic is founded, and, therefore dangerous, if not fatal, to its security.

The expansionist and the imperialist both claim to be governed by a desire for the country's growth. Now, growth may be salutary or injurious, according to its direction. An inch added to a man's stature makes for beauty; an inch added to the end of his nose would be a deformity. A natural growth is always wholesome, and should be encouraged; an unnatural growth is always unwholesome, and should be cut out where it cannot be prevented. I shall endeavor to establish this evening the proposition that expansion in the American sense is a natural growth—wholesome, hopeful, commendable; while imperialism is an unnatural growth—an excrescence on our political system, sinister, ominous, indefensible.

I submit this proposition with great confidence, because I believe it can be shown without much difficulty that expansion makes for higher wages, and therefore, for wider prosperity, while imperialism makes for lower wages and harsher conditions of existence.

Expansion in the American sense is not a new or untried political experiment. The fruits which it has borne prove that it is a policy of wisdom and justice. Its extension would promote the progress of civilization throughout the world. The expansion of this Republic to the frozen seas of the North would work immense benefit to the people of Canada, to the people of Great Britain, to the people of the United States and to the human race.

It would obviate all disputes about boundaries; it would prevent the inhuman, senseless destruction of the seal fisheries, and, above all, it would abolish that system of customs taxation which impedes the free exchange of commodities, and, therefore, narrows the volume of production on both sides of the frontier.

The marvelous growth of commerce between the States of the Union is due to its absolute freedom from artificial restrictions. The inclusion of Canada in this free trade area would stimulate production beyond our powers to conceive. Every addition to the volume of production leads to a rise in the rate of wages, by increasing the demand for labor, while, at the same time, it raises the purchasing power of every dollar paid to the laborer by lowering the cost of living. Nor would the material benefits of our expansion northward be confined to this continent. England would share in them by an enormous growth of her trade. An increase in the volume of domestic production necessarily swells the volume of imports and exports. Of this increased trade England would enjoy the largest share. After a few years her commerce with the new States would be four times greater than it is now with the Provinces of Canada. By such an expansion of the United States England would lose the power to appoint a governor-general and a few other officers from her aristocracy, but she would gain a much larger and better market for her laboring masses.

While these benefits would flow from expansion in the peaceful American sense of the term, exactly opposite results would be produced by imperialistic conquest. The forcible annexation of Canada would be an act of imperialism, as unprofitable as it would be unjustifiable, and as calamitous as it would be criminal. If it could be accomplished by a single file of soldiers, none the less would it be a policy of wickedness and folly.

A conquered country is always discontented, and, therefore, disloyal. It would be impossible to intrust the rights of statehood to a disaffected people. Our authority over them could be maintained only by force, that is to say, by a standing army and military rule.

Standing armies always have been and always must be

fatal to free institutions. To realize the utter incompatibility of militarism and republicanism we have but to look at France. When we recall the first French Republic scattering the combined forces of Europe through the valor of its volunteer armies, how pitiful is the spectacle of the third Republic cowering in abject fear of its own standing army, incapable of wielding any influence abroad, impotent even to do justice at home. The experience of this country proves that a citizen soldiery is invincible against foreign aggression or domestic insurrection, while all history shows that a mercenary soldiery has never been so formidable to any country as the one which supports it. A standing army in the long run has always become helpless against foreign foes, but it has always remained of deadly efficiency against domestic liberties. The soldier in war may be a hero, the soldier in peace is either useless or dangerous. The camp may be a school of virtue and patriotism, the barracks are always asylums of laziness and often hotbeds of vice. The moral law is binding on nations as well as on individuals. A violation of it by either is always followed by retribution, slow perhaps, but inexorably stern. He who draws the sword will perish by the sword, and the republic that establishes a standing army to smite freedom in other lands will live to find her own liberties trampled in the dust under the feet of a mercenary soldiery.

Aside from its inherent hostility to free institutions, a standing army is a crushing burden on the neck of the laborer because it operates to reduce his earning capacity while at the same time he is forced to bear the whole expense of its maintenance.

The first essential of high wages is abundance of commodities, and a standing army is an insuperable obstacle to extensive production. The volume of production depends on the number of hands employed in labor and

the amount of capital available to promote their efficiency. Capital has been well defined as stored-up labor. A man without capital can labor, but not effectively. With his bare hand he might turn over a few feet of earth in the course of a day, but with a plough he can cultivate several acres in the same period. The plough itself is the fruit of labor formerly expended, and, therefore, the laborer using it or any other implement is but utilizing the labor of other days to reinforce the labor of to-day.

Since the efficiency of the laborer depends, not solely on the labor of his own hands, but largely on the amount of stored-up labor which he can employ to reinforce his natural capacity, any policy which tends to dissipate capital in unproductive enterprises is a direct assault on his prosperity. Every dollar of surplus product or capital invested in implements, in machinery, in buildings, is a fruitful dollar. Commodities used in production multiply themselves even while they perish. Every dollar expended for munitions of war is a sterile dollar. It is not used for the purpose of production, but for the purpose of destruction. It is wasted as completely as if it were thrown into the sea.

The soldier, whether in barracks or in camp, is withdrawn from the field of industry. His own hands add nothing to the product of the country. His pay and his sustenance must, therefore, be drawn from the product of others. The laborer is the sole producer. On him must fall the whole cost of a military establishment. In other words, a standing army imposes upon each laborer the burden of supporting two men—himself and a soldier—while at the same time it diminishes his earning capacity by dissipating the capital on which his productive efficiency depends.

But far worse than the spoliation of the laborer is the

degradation which he suffers from a standing army. Militarism has always despised industry. Nothing can be more natural than the contempt in which the industrious man who pays for a showy uniform is held by the idle wearer of it. The whole literature of the militant ages reflects this contempt. Until very recent years the workman was never mentioned in print except as a villain, a serf, a beggar or some other term so opprobrious that the expression "base mechanic" seems by contrast like a respectful description.

The establishment of this Republic, based on the equality of all men before the law, has worked many changes in social conditions, but none so remarkable as the change in the condition of the laborer. For one hundred and twenty years we have held him to be the best citizen who by the labor of his good right arm caused two blades of grass to grow where one grew before—him to be the best patriot who bears the most effective part in the great scheme of industrial co-operation, which is called civilization. We have not trusted our security to mercenary soldiers, and we have grown to be the most powerful nation on earth through the valor of citizen soldiers. We have displayed invincible prowess in war, and measureless genius in peace. The success of our republic has changed the whole trend of human thought. We have proved it possible to maintain the restraints of wholesome authority without any fiction of hereditary right, or any blasphemous assertion of divine intervention. Our Government has rested secure upon its foundations in the consent of the governed, without any symbol of force to maintain its authority. Law and order have reigned throughout our whole territory without uniformed soldiers in our streets, with no arsenal or fortress casting a sinister shadow over our highways. We have so thoroughly protected property by laws enacted in obedience

to public opinion that industry has been stimulated to an unprecedented degree, diffusing among our citizens a prosperity without parallel in the history of the world. All these marvelous achievements are ours, because we have never invoked force except to vindicate justice, because we have steadily refused to corrupt our youth by imposing upon them in times of peace the demoralizing idleness of military life, because we have always refused to admit that any citizen can be more worthy of respect or protection than the laborer who, through all our history, has proved himself the true fountain of prosperity, the engine of progress, the mainstay of order and the bulwark of liberty.

Now the imperialist asks us to discard this distinctively American policy of peace with all its beneficent results and to substitute for it the barbarous mediæval policy of conquest, bloodshed and destruction, through which the man of violence has been exalted and the man of industry degraded. When he is asked to justify this extraordinary suggestion, he advances several propositions, some unintelligible, many contradictory, and all unsound.

So far as we can understand him, the imperialist urges the conquest of the Philippines, at whatever expenditure of blood and treasure, because, first, it would increase trade, as trade follows the flag; second, it would not increase trade, but it would promote civilization; third, it would lead to an alliance between this country and England; fourth, it would make us a "world power" and deliver us from the "isolation" in which we have lived through all our history; fifth, it would be cowardly to shrink from responsibilities imposed on us by destiny; and, sixth, the opponents of his policy cannot suggest any other disposition of these islands which the American people would sanction.

I have endeavored to reduce these rather vague out-

pourings to definite propositions so that they may be discussed by rational methods.

The assertion that trade follows the flag is one of those vaporous platitudes which have worked much mischief to mankind. It is the pretext by which the man of violence has more than once enlisted in schemes of conquest the co-operation of the peaceful producer. The statement is not true. Trade does not follow the flag. Oftentimes it goes in exactly the opposite direction. Since England's sovereignty was overthrown in this country her trade with us has grown immeasurably. It is to-day greater than her trade with all her colonies combined. Here, as her flag was driven out, her trade rushed in.

Because England is rich and has vast foreign possessions, some think she is rich because she has them. This is a mistake. She is rich, not through them, but in spite of them. They do not yield a dollar of revenue, yet they are a source of immense expense to Englishmen. England expends vast sums for the defense of her colonies. She gets nothing in return; not even a market for her goods. England's colonies impose tariffs on English manufactures just as heavy as those which they impose on ours. John Brown in Melbourne, John Brown in Halifax, John Brown in Cape Town, enjoy all the benefits of the English navy, if there be any benefits in it, without contributing a shilling to the support of it, while John Brown in London is taxed unmercifully to pay the whole cost of its maintenance.

Markets depend not on armaments, but on prices. Men buy where they can buy cheapest. No one will give \$50 for a bicycle if he can obtain one equally good for \$40, no matter what flag may have floated over the factory. To hold the markets of Australia, Canada, India, or Egypt, England must supply them with the best goods at the lowest prices. Her capacity to do this is not

strengthened by her political connection with them, but it is impaired by the enormous expenditures which she is compelled to make for their defense. A system which entails the establishment of a standing army cannot cheapen goods, but must advance prices, because it restricts the volume of production by withdrawing the best laborers from the field of industry, and, at the same time, diminishes the efficiency of the remainder by diverting capital from industrial enterprises where it is fruitful to military enterprises where it is fruitless.

Every fact in history shows that the seizure of foreign territory does not promote trade, but restricts it. The trade of England during the last ten years has not increased proportionately with the trade of other countries, yet it has been for her a period of extraordinary territorial aggrandizement. France, too, has been acquiring extensive foreign possessions, not to the advantage of her trade, but to its detriment. Germany, on the other hand, has engaged in few foreign adventures, yet the growth of her trade and population has been phenomenal, and this, too, in the face of the vast standing army which the conquest of Alsace and Lorraine has compelled her to maintain.

If foreign possessions were a source of wealth, Spain would be the richest nation in the world to-day. She was the first power to establish colonies, and her Colonial Empire has impoverished her people, demoralized her government, corrupted her service, and brought her to the abasement in which she lies to-day. Foreign possessions may furnish places and fortunes to favorites of the Government, but they have never added a dollar to the wages of labor in England, Spain or any other country, and, in the nature of things, they must operate to reduce them.

When we challenge the imperialist to name one instance in which trade has been promoted by conquest,

he shifts his ground with an ease that shows that his arguments are as loose as his morals. Confronted with the stern facts of history, he abandons the sordid contention that his policy will promote trade, or, in plainer language, that there is money in it, and assumes a lofty attitude of devotion to humanity and civilization. He tells us that while foreign possessions may be unprofitable, it is nevertheless a duty imposed on us by civilization to take possession of territory inhabited by weaker races for the purpose of civilizing them by subjecting them, not to the influence of our political institutions—from these they would be excluded—but to the authority of our office holders. If it be necessary to shoot the natives as Kitchener shot the dervishes in order to impose this government upon them, the imperialist is quite ready, and indeed rather eager, to civilize them in that effective method.

Civilization by slaughter is not an original device. It has been often tried; it has never borne salutary fruit. There was one great civilizer by the sword who has left some impression on the world. He lived about 1,300 years ago. His name was Mohammed. The followers of the prophet believed they were the sole depositaries of civilization, and in order to diffuse that civilization over the world they offered the outside barbarian his choice between the Koran and death. This surely was imperialism pure and simple. The difference between the Mohammedan imperialism and the latter-day imperialism is a difference of men, not of methods.

When we ask for a single instance in which a nation has been civilized by force, we are invited to look at India. Well, let us look at India. I do not ask you to recall the hideous barbarities practiced by English officials on the Indian people during the last century, from the victories of Clive to the recall of Warren Hastings, but let us see

how far, even in this century, English rule has been a source of improvement in India.

When we speak of improvement in the condition of a country we must mean the improvement, moral and material, of its people. No man can be considered "improved" if he cannot take care of himself. What is true of an individual is true of a nation, for a nation is but the sum of the individuals who constitute it.

If the Indian has been improved to any substantial extent, he must be able now to govern himself. But this is precisely what England denies he is able to do. It is true that the people of India have been compelled by the English authorities to abandon certain practices which are considered barbarous by those of us whose conduct is governed by the Christian standard of morals, but outward obedience to a system of laws through coercion is not improvement. Improvement begins where coercion ceases. A scheme of improvement which, after two centuries of experiment, its author admits to be unsuccessful, is not one which commends itself to imitation.

The promotion of civilization is the pretense by which nations have always sought to excuse or justify acts of aggression. The foulest deeds recorded in history were perpetrated with professions of devotion to morality and justice. Strongbow's invasion of Ireland, the confiscation of the Irish lands which made the Irish people wanderers on their own soil, the repressive measures against Irish trade which blighted all Irish industry, the penal laws which with almost fiendish ingenuity enlisted greed and selfishness against filial piety and natural affection, the revolting corruption in which Irish legislative independence was strangled, were all features of a long Imperialistic attempt to "improve" the Irish people by force and violence. The merit of such attempts may be judged by the fruits which they have borne in Ireland. Morality

has never been advanced by crime. Justice has never been vindicated by wrong. Civilization has never been promoted by barbaric conquest or bloodshed. People cannot be improved by denying them the opportunity to acquire from experience the true lesson of self-improvement. There is but one way to qualify a nation for self-government, and that is to impose upon its people the duty of government—forcing them to suffer without relief the consequences of riot or extravagance—allowing them to enjoy unmolested the fruits of industry and order.

When the imperialist is shown that his schemes for the promotion of trade and of civilization are both futile and unsound, he is neither discomfited nor abashed. With undisturbed assurance and unabated vehemence he proceeds to tell us that if we withdraw from the Philippines we will imperil the prospects of an alliance between England and this country. I am not alarmed by this threat. It is quite true that the English press and a certain portion of the English people are unremitting in their efforts to persuade this country to adopt what is called a vigorous foreign policy. Any American who advocates imperialistic adventures is sure to be quoted at length in London newspapers, and certain of a cordial welcome in London drawing-rooms.

England's anxiety that we should hold the Philippines is not caused by love of us, but by her own self-interest. It springs from two sources, one sentimental, one practical. Like every other country in Europe whose history has been stained by deeds of violence perpetrated against weaker nations, she is jealous of the lofty moral position which we have achieved by unswerving devotion to justice in our dealings with all the world. England, whose greed for territory has caused her to be named the robber nation of the world, would feel the distance which separates her from

this country reduced if our conduct conformed more closely to hers. But there is a more practical reason which urges her statesmen and her newspapers to encourage us in schemes of conquest. At present she fears us. As our territory is now constituted, no part of it is vulnerable to attack by any foe, while along our northern border stretches one of the most important English colonial possessions unfortified—practically at our mercy in the event of war. If, however, we undertook to establish our authority over transmarine territory, we could not maintain it in the face of her hostility while she controls the seas, as she will control them for years to come. Our positions would then be reversed. Instead of having less, we would have more, to fear from hostilities than England, because with an inferior navy, we would be forced to provide, not merely for the defense of our own shores, but also for the vindication of that mysterious quality known among militant nations as “honor,” which, in plain English, means the ability to hold by force and cruelty what has been seized by violence and outrage.

England has not changed. She is what she has always been. The attitude she held to us in the last century she holds now to nations weaker than herself, as the files of her newspapers and the utterances of her public men show. To-day England is polite, cordial, even affectionate to us, but let the conditions change, let us become dependent upon her friendship, for the security of our possessions, or the maintenance of our honor, and we may judge the course she would pursue by every page in her history.

When the imperialist speaks of an alliance with England he does not mean with the masses who have made England great, but with the classes who have always dominated her government. The alliance to which we

are invited is not an alliance for justice and civilization, inspired by the conscience and morality of the two countries, but an alliance between the drawing-rooms of New York and London, encouraged by self-seeking politicians, for schemes of conquest and plunder. It is not an alliance with the England of Burke, of Gladstone, but with the England which drove this country to revolution, which openly sympathized with the attempt to disrupt the Union, and which seeks now to corrupt in its day of power the Republic which she was not able to destroy in the day of its weakness. I favor an alliance between the industrious and productive masses of England and America to improve their conditions by encouraging their productive capacities. I am opposed to an alliance between the governing classes on both sides of the Atlantic to provide additional places and opportunities for their members by involving this country in military adventures.

Alliances for conquest and plunder, like all other partnerships of crime, invariably lead to quarrels between the allies.

The co-operation of nations in the spread of commerce, the maintenance of justice, the vindication of free institutions, binds them in ties of ever-deepening sympathy and friendliness. Every law enacted for the advancement of liberty, every judicial decision confirming the foundations of freedom, every process invented to increase the productive power of human hands, every extension of popular power on either side of the Atlantic, has been a contribution to the industrial and moral welfare of the world in which both countries have co-operated successfully without any formal treaty between them. No treaty, whatever its provisions, would suffice to embark the God-fearing people of this land in a policy of bloodshed or aggression.

If this be abusing England, I plead guilty to the charge. If it be pleading for the true interests which Englishmen and Americans have in common, then those who criticize it are themselves the enemies of peace and co-operation between the two countries.

When we have answered the disquieting fears of the imperialist concerning the alliance, he still insists that we must establish colonial dependencies if we would escape from the "isolation" in which we have lived, in order to become a "world power." I admit our "isolation," but far from deploring it, I glory in it. By strict compliance with the principles of equity and justice through our whole history, we have become eminent beyond all others in the family of nations—and eminence is always isolation. Eminence is difficult to attain, but easy to surrender.

There are two ways by which the distance which separates you from your neighbor can always be reduced, one is by moving towards him, the other by allowing him to approach you. If you occupy the higher place, either you can descend towards him, or he can ascend towards you. I should rejoice at the termination of our "isolation," if it were brought about by all the peoples of the world rising to the plane of justice which we have always occupied. I hope it will never be abridged by the descent of this Nation into the pit of contention and aggression, where for centuries the nations of the old world have wasted in violence and bloodshed the energies which should have been expended in the advance of peaceful civilization.

But the imperialist tells us that if we abandon our "isolation" of justice, forbearance and morality, we can become "a world power," whatever that may mean. If by a world power he means a civilizing influence throughout the world, we may answer that we are to-day the

greatest world power in the history of the planet. Nothing since the foundation of Christianity has so improved the condition of the human race as the establishment of this republic. It has produced on the world a wider and more salutary influence than any empire or government that has ever been established, and the sphere of that influence is widening every day.

The world power which the imperialist invites us to become would be a power based on conquest and violence, a survival of barbarism, a world power consistent with the darkness and ignorance of the tenth century. The world power which we are is a light of civilization and progress, gilding with splendor the dawn of the twentieth century. What patriot would prefer for his country an eminence of force, of violence, of barbarism, to an eminence of peace, of progress and of civilization?

But he tells us it would be cowardly to evade responsibilities imposed upon us by destiny, or to acknowledge ourselves unable to undertake adventures which England has conducted for centuries. Those of us who believe that this country has become great because of the justice which underlies her institutions have never feared any foreign power nor do we fear one now. We are willing to depend on the valor of American citizens for the defense of our shores against any enemy. We do not believe that all the world combined would be able to violate one foot of our territory, while it is defended by our citizen soldiers. The imperialist, on the other hand, seems to be haunted by fears that any country could invade us, overpower us and oppress us. No nation is so weak, no country so remote, that fear of its aggression will not throw him into a paroxysm of abject though vociferous apprehension. A few months ago he insisted on the annexation of Hawaii to protect him from some vague peril in the East which had no other foundation than his own pusil-

lanimity. To-day he demands a standing army to quiet and compose his nerves against dangers born of a disturbed imagination. Who are the cowards? The imperialist, whose slumbers are disturbed by fears of Germans, Spaniards, Frenchmen, Malays, Japanese, Chinese, Asiatics, Europeans, Africans, or the American patriot who fears no man, white, black or yellow, while the flag above his head remains the symbol of liberty and justice.

I have no sympathy with the statement that we are unable to do anything which has been accomplished by any other country. If we refuse to seize transmarine territory it is not because we are less able to administer foreign dependencies than England, but because we are more scrupulous in our regard for the rights of people weaker than ourselves. There is but one thing which this Government is not strong enough to do, and that is to perpetrate a wrong. There is but one force of which this country stands in awe, and that is its own conscience.

When driven to his last ditch, the imperialist says that we who oppose his policy can offer no sensible suggestion for the disposition of the Philippines. Here, too, his rhetoric outruns his logic.

If the statement were true, it does not prove the correctness of his position. I do not concede that we are bound by any moral law to corrupt our own system, even to benefit the people of distant lands. But I do not believe that in order to settle this question we must choose between endangering the vital principles of our own government, and abandoning these islands to internal anarchy or foreign spoliation.

Nobody contends that we should hold the Philippines indefinitely. The most ardent imperialist does not claim more than that we should hold them until the people of the islands shall have shown their ability to govern themselves. The objection to this is its vagueness. If, how-

ever, a test of their capacity for self-government could be prescribed, the limits of our occupancy would be fixed, and the objection to it diminished, if not removed. There is no safer test of civilization than the power to produce wealth, or, what is the same thing, to borrow money, for money cannot be borrowed unless the lender be satisfied that the borrower is able to repay him from the fruit of his industry. No barbarian is capable of labor sufficiently effective to create capital, and, therefore, no barbarian can enjoy credit. A people who have produced a surplus over the amount of commodities necessary for their own support, or who can produce a belief in the minds of men qualified to judge that they are able to do it, must be civilized.

We have agreed to pay Spain twenty million dollars for these islands. Instead of treating this as a purchase fund, let us treat it as an emancipation fund. Let us say frankly and plainly to these Filipinos,

The money we have advanced for your emancipation we would freely bestow on you as a gift, if we believed it would encourage you to industry and lead you to prosperity. But we believe you will be better fitted to discharge the responsibilities of independence if you bear all its burdens, including the cost of achieving it. The day you can repay from your surplus products or from the use of your credit the twenty millions which your liberation has cost and give satisfactory guarantees that under a government of your own no discrimination will be made between the commerce of different nations, but that industry will be encouraged by the thorough protection of property, that day will we evacuate your territory and surrender the control of your destinies into your own hands.

This would insure for all time the policy of the open door, to which, I understand, Mr. McKinley is committed.

The precise nature of the guarantees to be required for the protection of life and property might well be left for a commission acquainted with the people to prescribe. With a sincere desire to do justice, the way to justice is soon discovered.

The evacuation of the Philippine Islands by the United States would obviate the necessity for maintaining a standing army. It would cause an advance in the rate of wages through the increase of trade arising from the establishment of durable peace. It would add a new page to the history of this country more glorious than any of those preceding it. The human race would be stimulated to new progress by the spectacle of the greatest nation in the world using its invincible strength, not to despoil the weak, but to uplift them; not to extend its own territorial dominion, but to extend the dominion of justice throughout the world.

I oppose this novel, un-American policy of imperialism because the grounds on which its advocates support it are puerile, inconsistent and dishonest; because it involves the existence of a standing army to menace liberty and to oppress labor by diminishing wages; because it is cowardly to invade the rights of the weak while respecting those of the strong; because it would divorce the American flag and the American constitution by sending the one where the other cannot go; because it is a policy of inconceivable folly from a material point of view, and a policy of unspeakable infamy from a moral point of view.

I favor the traditional American policy of expansion because I want this republic to continue in the path which leads to higher achievements of peace and progress; because I want this country to remain the land where the patriotic workingman who produces is more honored than the paid fighting man who destroys, where the

laborer's overalls enjoy equal dignity with the soldier's uniform, where a dinner-pail is more highly esteemed than a knapsack, where a spade is deemed more valuable than a musket, a hospital than a battery, a school than a fortress; where the enduring glory of justice is pursued and the vainglory of conquest despised; where the flag which typifies liberty and the constitution which secures it, enshrined in the hearts, sustained by the arms, glorified by the memories of a free people, shall remain invincible, indestructible, inseparable, forever and forever.

IV

The Race Problem and the South

AS we think of our nation's history since the Civil War, one thing becomes conspicuous, and that is the terrible cost of shifting the industrial system of a country from a basis of slavery to a basis of free labor. It is the heaviest that can be imposed upon a nation. Except the Southern States of America, I know of none that has ever borne it without the disorganization of its industry and the ruin of its prosperity. It must be remembered that the Southern people have met this test not under circumstances specially favorable to its solution, but under every conceivable circumstance that might easily have aggravated its difficulties. It was not an evolution of prosperous peace, but a penalty of disastrous war. It was not begun at a period of great prosperity, with accumulations of capital, available to meet any losses that might be entailed by it; but it was undertaken at the close of a devastating conflict, when all the capital of the country had been dissipated, when all its resources were exhausted, when literally the last blade of grass had been trampled under the feet of contending foes. Nor was this all. At the moment when the South, exhausted financially, distracted politically, and disorganized industrially, was forced to reconstruct its shattered industrial system; when the political status of the freedmen was still to be established; when his productive

capacity as a free laborer was problematical, and no other source of labor was available; when it seemed that the only prospect of escape from utter ruin lay in conferring authority and imposing responsibility on the highest intelligence, the broadest patriotism, the most extensive information to be found in its entire citizenship, at that moment the political power in each State was taken out of the hands of the intelligent and placed in the hands of the ignorant. Men who had never shown a capacity to live in a state of freedom were suddenly equipped with full control of the Government, and four millions of ignorant blacks were metamorphosed in a night from slaves to sovereigns.

Notwithstanding all these appalling difficulties, we find, after thirty-five years, that the South has not only restored the former volume of its capital, but has increased it. Population has grown, manufactures have sprung into existence, and wealth has multiplied, all in an amazing degree. Where industrial paralysis had been feared, we see industrial activity. Where ruin was foretold, we see prosperity. Where progressive decay was considered inevitable, we behold on every side the volume of production steadily widening. Surely this marvelous progress is conclusive and inspiring proof that civilization is indestructible, and that the march of progress cannot be arrested.

These achievements, important as they are, do not show that the South has solved all the questions arising from the war; but I think they constitute strong proof that she has the capacity to solve them all. The fact that we have assembled here shows that one difficulty stands sinister and formidable in her pathway. The South is still engaged in changing her industrial system from one based on slave labor to one based on free labor, and we must not forget that the two systems are separated

by a wide chasm. This chasm cannot be bridged in a day, it cannot be leaped lightly. It must be crossed painfully, slowly, laboriously, and over a bridge of sighs. But if the difficulties before the South are formidable, the achievements behind her are so inspiring that nobody can doubt her ability to complete the journey to enduring peace and wider prosperity—successfully, aye, triumphantly.

The experience of thirty-five years has convinced the people of the South of two things which, in considering the Negro problem, must always be borne in mind. First, the abolition of slavery was not an injury to the South, but a benefit to it, since its industrial system is to-day sounder and its prosperity greater than they have ever been in all its history. The freedom of the Negro is, therefore, absolutely secure. No one in all the South would undertake to disturb it. On the other hand, the industrial prostration which marked the existence of what is called carpet-bag government, and the industrial revival which followed its overthrow in every State, have convinced the Southern whites that while the freedom of the Negro is conducive to their welfare, his domination would be fatal to their prosperity and even to their civilization. The white people of the South, determined that their civilization should not be imperiled by the political domination of the Negro, have succeeded in excluding him from the suffrage and have refused to tolerate him on a plane of political equality with themselves, notwithstanding the provisions of the Constitution adopted at the close of the war. The result has been that his constitutional status is different from his actual status. While the Constitution has assigned him to one place in our political system, public opinion has assigned him to another, and the position which he actually occupies is that fixed by public opinion. The Negro question, then,

I think, may be stated as the problem of how to reconcile the actual status of the Negro with his theoretical status.

That this is a fair statement of the question is shown, I believe, by all the addresses delivered at this Conference. At first blush, these papers appear to be widely divergent in their conceptions and consequences, but in the last analysis they were all attempts to find some means of reducing the actual political system of the Southern States to harmony with the Constitution of the United States. The views expressed during these proceedings have been as interesting as they were varied. One gentleman advocated the deportation of the Negro as the solution of this question. I venture to suggest that before we can discuss the merits of that proposal, the gentleman must name the country to which the Negro should be deported, assuming that it is possible to lay violent hands on ten millions of people and march them any conceivable distance. Humanity would revolt against his deportation to any country where he could not live, and since his productive capacity is of the lowest, he could support life only on a soil of exceptional fertility. But the white race all over the world is searching for a fertile soil. If an inferior race were discovered to-morrow in possession of valuable land, the sea, before the lapse of a week, would be covered with ships bearing white men determined to seize that soil, occupy it, and cultivate it. If there be any means by which the adventurous, conquering spirit of the white man could be restrained from seizing land which he can use to greater profit than the black or the brown man, I should be glad to have it pointed out. On the whole, ladies and gentlemen, I think the idea that the Negro question can be settled by the deportation of the negroes may be dismissed as extravagant and inadmissible.

It has been suggested that this question will be settled

by the extermination of the Negro through natural causes. With all due respect to the eminent gentlemen who have advanced this view, I think it is refuted by the experience of this generation. If the contact of these two races in a condition of freedom involves an irreconcilable conflict between them, which under the laws of nature must be waged until one is annihilated by the other, the process of extinction would have begun immediately after the abolition of slavery.

If the Negro were doomed to perish from freedom, his decline would have become manifest at his first contact with it, when, as has been pointed out by Booker Washington, liberated from the control of his master before he had been taught to control himself, he was suddenly compelled to face the strange necessity of self-support, while the Negro woman was compelled to assume the care of her children before she had learned those duties of maternity which, in a condition of servitude, she had rarely been allowed to discharge. Yet far from declining, the Negro has trebled in numbers during the last thirty-five years, and he has begun to acquire property—the crowning proof of capacity to support civilized life. For the white race, also, the period immediately after emancipation was the severest test of their capacity to live under the new conditions. The loss of capital, the destruction of lives, the ruin of cities, were insignificant losses economically compared with the disorganization of their industrial system. Yet during the same period we find that the whites too have increased in numbers and possessions. It is true that, while the increase of possessions on the part of one race has been enormous, on the part of the other race it has been small; but, in civilization, as in all other paths, it is the first step that costs. The colored race has established its capacity to create and accumulate property in a state of freedom,

because it has accomplished the first short, painful step in that direction, and where capacity exists, it is certain to increase with exercise. As these two races have dwelt together here for more than a generation, in a state of freedom, and both have increased and prospered, nature must have decreed that they shall remain on this soil to cultivate it,—and the decrees of nature are irreversible. We may, therefore, accept it as a fact that the black men are to remain in the Southern States. They are not to be driven out; they are not to be deported, and they are not to be extinguished.

Since both races are to remain here, the very existence of civilization requires that their relations be established on some basis of orderly government. As we have seen, the place in the body politic, occupied by the Negro, is in some respects different from that in which the Constitution sought to place him. If, then, the Negro's theoretical constitutional status and his actual status are to be reconciled, one of two things must occur; either the attitude of the Southern whites must be changed, so that existing Constitutional provisions can be enforced, or these must be modified so that they will conform to the actual conditions established by the public opinion of the States.

I think it will be conceded that the attitude of the white man on this question is absolutely immovable. If any fact can be considered established by the history of the last generation it is the fixed determination of the white race to prevent any danger of Negro domination through the exercise of universal suffrage by the black man. In justice to both races, it must be borne in mind that this attitude of the whites is not the result of a mere proposal to confer the right of suffrage on the Negro. The revolt of the whites was not from apprehension of Negro suffrage, but from experience of it. The white

people of the South allowed the experiment to be tried. It was not until after it had been in actual operation for a decade that they rose in revolt against it and overthrew it. From that experience they have concluded, rightly or wrongly, that they are bound to prevent the control of the Negro over the Government by the most sacred obligations to the family, to the State and to civilization. Under the influence of this sentiment, they have succeeded in nullifying the provisions of the Constitution which sought to place both races on a plane of political equality. It cannot be denied that this attitude of the Southern whites has been approved by the conscience of the whole country, for without the support of public opinion North and South, such a virtual nullification of the Constitution could never have been accomplished.

The hostility of the white man to the constitutional provisions intended to establish political equality between the races being inexorable and immovable, we are driven to inquire, first, can the Constitution be enforced against his opposition, and, if it can, then should it be so enforced? It is obvious that if the answer to the first question be in the negative, it is useless to consider the second. Here, again, I think experience demonstrates conclusively that no constitutional provision, no enactment of Congress, no exercise of power by the State or the Federal Government, or by both combined, can suffice to place in effective operation any system of government within a State against a practically unanimous resistance of its inhabitants. It is not necessary to argue this proposition here, because if it were possible to enforce a constitutional provision in a State, against the determined opposition of the people, the amendments under discussion would be in actual operation now throughout the South. These amendments were not always ineffective. They have been enforced, and governments established on them

have been in actual operation. The colored man has had the franchise, not under a hostile or unwilling government, but under a government controlled by himself, and his predominance in the State was sustained by all the power of the Federal authority, yet he was unable to maintain it. The system which depended on his exercise of the suffrage has fallen, perished, disappeared. All the powers of the Federal and State Governments having been exhausted to sustain these amendments, there is none left that can be invoked for their enforcement. All this experience shows that in this country the State is the only agency by which any constitutional provision can be enforced. To enforce the law or the Constitution by any other agency, it would be necessary to change the nature of the Government. There is but one way in which a constitutional government can enforce its decrees, and that is through the courts. The courts are themselves the products of the localities in which they discharge their functions. They are powerless against a unanimous community, even if judges had any disposition to resist it. What boots it to denounce an act as a crime by statute if public opinion so condones or approves it that juries won't convict under the law, and courts won't enforce its penalties? Where courts and juries combine to nullify a law or a constitutional provision, there is but one way left to enforce it, and that is by the military arm. But the use of the military arm to enforce law in time of peace would be an abolition of Republican Government. It would be to oust the civil magistracy of all its functions, and to substitute the authority of the President, as Commander-in-Chief of the forces, for the processes of the courts. The assumption of such authority by the President or his subordinate military officers would be the establishment of an empire, by whatever name it might be called.

To establish an empire on the ruins of the Republic would not be to enfranchise the Negro, but to disfranchise blacks and whites, and place both in one common subjection under the arbitrary will of a military officer. Nobody, I am sure, advocates the abolition of republican government, the Negro least of all. The object of this Conference is to find a solution of this question consistent with the integrity of free institutions.

We are, therefore, driven to the conclusion that this question must be left to the State for solution. The underlying principle on which this Government rests is the right of every locality to decide all matters affecting it in an especial degree—not affecting it in an exclusive degree, remember, but in a special degree. There is no question which affects exclusively any part of the country. The condition of every locality in some degree affects all other localities. The condition of the streets in New York City affects the people of Alabama to some extent by affecting the conditions under which some of their produce reaches the market. But while the people of Alabama are thus affected by the matter, remotely, the people of New York City are affected by it directly; and because the people of New York have the largest interest in the subject, it is assumed that they will consider it the most carefully and dispose of it most wisely. For that reason, in the interest not merely of New York, but of the whole country, the control of its streets is left to the people of New York; and upon the universal application of that principle alone can republican government be maintained.

The condition of the Negro affects the welfare of the Republic in every State, but it affects specially the State in which he dwells. The Negro question is essentially a Southern question, in the sense that the Southern people are most deeply concerned in it. To us of the North it is a question of interest and importance; but to the people

of the South it is a matter vitally affecting the conditions of existence. To the South then must be left the solution of this problem. The rest of the country can contribute to it nothing but sympathy, advice and moral support. Citizenship for the Negro, as for all others, proceeds from the Federal Government; but the political rights which citizenship confers within the State are fixed by the State. These are not proposals to be accepted or rejected. They are not speculations to be considered. They are facts inexorable and undeniable. The attempt to confer political privileges by the Federal Constitution has been made, but every effort to enforce them has failed. It is not worth while discussing whether the enforcement of these amendments would be desirable or undesirable, because it is impossible. No one has suggested any new method of making them effective. All the known methods have been tried, and they have failed.

Since the opposition of the white man to the constitutional amendments, establishing political equality between the two races, is immovable, and since these provisions cannot be enforced against his opposition, there is but one way left, by which the theoretical and the actual status of the Negro can be reconciled, and that is by changing the Constitution. I do not underestimate, for a moment, the difficulty that lies in the way of accomplishing this result; but difficulties should not deter us from attempting a laudable enterprise. In suggesting a change of the Constitution as the only possible solution of this problem, I am not actuated by hostility to either race, but by friendship for both, and by a profound conviction that the interests of blacks and whites are identical—that what is for the benefit of one must result in the benefit of both. If I thought there was such an irreconcilable conflict between them—that one was inexorably doomed to extinction at the hands of the other—I would

not be here to assist in recording such a conclusion of horror. I am here because I believe there is a way by which the two races can be maintained in peaceful, profitable industrial co-operation for the cultivation of this soil to the unbounded prosperity of both.

I repeat that whether the principle of the amendments intended to establish equality between the two races be good or bad, wise or foolish, it would be profitless to discuss, because they cannot be made effective. And, indeed, nobody has suggested that they should be enforced to their logical conclusion,—that in certain States where the Negroes are in a majority of the population they should resume control of the Government. I do not believe there is a white man in the United States who would advocate that proposition; and to their credit be it said, the majority of the intelligent Negroes would shrink from imposing on their people, separated from servitude barely by a generation, a test of civilization which the most enlightened white races can hardly meet to-day.

It is true that a distinguished gentleman yesterday addressed this body in favor of accepting the Fifteenth Amendment, on the ground that by establishing an educational and property test the Negro would be effectually excluded from the suffrage. That is to say, he favors a formal or verbal acceptance of these amendments, because he thinks he has discovered an effective means of evading them.

Ladies and gentlemen, evasion in politics is never commendable and always unprofitable. Difficulties evaded are not difficulties avoided. The first step towards the solution of a problem is to state it. A question accurately defined and boldly faced is generally a question half solved. I admit at the beginning that the difficulties in the way of obtaining an amendment of the Constitution are numerous and formidable. Before an amendment

can be adopted it must have practically the support of the whole people of the United States, including the colored race. The fact that practically unanimous consent would be necessary to its adoption renders it useless to discuss any amendment unless it be one which would improve the condition of the weaker race.

Is it then possible to substitute for the constitutional provisions, which have been nullified by the resistance of the community, some new provisions which the conscience of the State will enforce, and which will effectively protect the liberty, the property, and the lives of the colored race?

The first step towards securing the co-operation of the colored race for a modification of the Constitution is to satisfy them that existing provisions are even more injurious to them than to the white people of the South. We cannot ignore the fact that the colored race believes the Fifteenth Amendment is a great charter of rights, conferring upon them privileges of great importance; but this is a delusion. They confound with a promise of privilege a grant of privilege. These constitutional provisions in effect declare the colored race entitled to certain political privileges, but they do not place the colored race in actual possession of these privileges, and they never will. The whole Negro problem arises from an attempt to modify the laws of nature by the laws of man. The white race and the black race are separate, distinct, different. The constitutional amendments have sought to abolish these distinctions of race which nature has established, and the attempt has failed. The framers of the constitutional amendments and of the Reconstruction Acts believed that they had abolished distinctions of race when they forbade any recognition of them in the legislation of the State; but the distinctions remain to this day, governing the life of the community. In the opin-

ion of the people a distinction exists between the races, and that opinion has been enforced not through legislation, but in the teeth of the Constitution and the laws. The constitutional provisions have not given the Negro any privileges which public opinion has denied him; but they have operated to deprive him of rights which the State would have been glad to confer on him if they had been left entirely free to manage their own affairs. The experience of thirty-five years has shown that the opinion of a community will assert itself in the teeth of all obstacles. If the Constitution and the laws stand in the way, both will be overthrown. Thus the Constitution prohibits the State in prescribing punishment for crime, from differentiating between the perpetrators on the lines of race or color. The community, however, regards a certain crime as immensely aggravated when an element of race enters into it. This instinct of race is more powerful than any law. It may be that such an offence, when committed by an ignorant black man, is less heinous, morally, than when committed by an intelligent white man; but, in the opinion of the people, when a white woman is the victim and a black man the perpetrator, it acquires an element of physical horror, which aggravates it beyond all other offences, making it fouler than arson, blacker than murder, more heinous even than parricide. The constitutional provision prohibiting any discrimination in penalties on account of color prevents the people of the State from expressing this race instinct in the legislation of the State, but moral perceptions are stronger than any constitutional provisions. If they cannot assert themselves through the Constitution, they assert themselves in spite of it. The constitutional prohibition is effective to prohibit the State from prescribing a special penalty against this offence, when aggravated by elements of race, but it does not prevent the

infliction of a special penalty. The special penalty, which cannot be imposed by the courts, is inflicted by the mob in defiance of the court. Surely, the colored man is not a gainer, but a loser, from the existence of such a constitutional provision. If the State were allowed to deal with this offence according to the moral perceptions of its people, it would undoubtedly be punished with special severity when perpetrated by a black man against a white woman, but the accused would have an opportunity of proving his innocence. The constitutional provision has not abolished distinctions of penalty based on race, but it has deprived the Negro of an opportunity to prove his innocence. Plainly, the colored man is the greatest sufferer from this attempt to abolish natural distinctions of race by constitutional provisions, but the injury to the white man is also grave. To take human life, except under the most solemn sanction of justice, is always brutalizing. To take it outside the law in the name of justice is to trample upon all law. It may well be a question whether a community, going outside the law for vengeance, is not perpetrating a graver offence than any which it might seek to punish. Lawlessness cannot be checked by the perpetration of lawlessness. Respect for law cannot be imposed by violation of law. Taking a human life by violence can never be an impressive lesson of order, for the victim may well feel that whatever his offence, it is less than that of which he is the victim. Crime can never be discouraged by placing its perpetrator on a higher moral plane than its avengers. Surely, the lynching of a Negro cannot impose respect for law upon his own race, for it is an evidence of contempt for law by the superior race.

Many remedies have been suggested here for lynching, but it seems to me it can never be suppressed until the crime which provokes it can be punished in each State

according to the popular conceptions of morality and justice. When the State is allowed to prescribe whatever penalty its people may think most likely to discourage crime, then there would be no disposition to take the administration of that penalty from the hands of the properly constituted authorities. It may be said that the State would prescribe inhuman punishments in its horror of this offence, but however a legal punishment may violate civilized conceptions of repressive measures, it is better that the penalty should be administered by the State than by the mob. The lynchings chronicled in the newspapers every day prove conclusively that constitutional prohibitions do not prevent the infliction of special penalties on colored men, but aggravate them, as the lawless vengeance of a mob is always more severe than the sternest judgment of a court. Since the people of the State cannot be prevented from taking whatever measures public opinion may deem adequate for the suppression of this offence, it is best that the means of repression should be expressed in their statute books and administered by their courts in the open light of day. Here, again, I repeat, I decline to discuss whether this is the best remedy for lynching conceivable, because it is the only remedy practicable.

I know it is said that lynchings have been frequent in the South for other offences than the one to which I refer, and I believe that the statement is quite true, but this only proves that when the barriers of law are broken down in one direction the tide of lawlessness is apt to break them down everywhere. The fact that lynching had its origin in this particular crime is proved by the fact that it has sprung up in the South since the war. Lynching is impossible without the participation, active or passive, of the community. It is the first step that always costs. The repetition of an offence is always easier than its first

perpetration. A community taking vengeance into its own hands, even through horror of a great crime, loses its firm anchorage in respect for orderly government, and may be moved to punish less serious offences in a similar manner. The only way by which lynching can be prevented is by removing the only cause which in public opinion furnishes any semblance of justification for it. There can be no excuse for attempts to maintain order by lawlessness when the State has full authority to establish its laws upon its own conceptions of morality and justice. If the exercise of this power result in the enactment of laws which violate the principles of civilized society, the State cannot take refuge behind the mob. Its people must take the responsibility for its laws before the whole human family, and the strongest controlling influence upon civilized states is the opinion of civilization.

Up to the present we have discussed certain irreconcilable differences between the two races. Let us see if there cannot be some features of their existing relations which might furnish a basis of harmonious and profitable industrial co-operation between them. To begin with, we have one indisputable and pregnant fact. Although the negro is denied political rights in the South and allowed them in the North, none the less he is flocking to the Southern States. The reason for this is very well explained by Mr. Washington, who points out that while the Negro is given political rights in the North, he is denied industrial rights; in the South, he is denied political rights but allowed industrial rights. I think his expression was that in New York the Negro has a chance to spend a dollar in attending the opera; but his chances of earning the dollar are very much better in the South, and in his present condition it is much more important that he should be allowed to earn a dollar than be allowed to spend it at

the opera. That states the whole truth of the matter. In the North the Negro is welcome to carry a torch in a political procession about election time, but he is not allowed to carry a dinner pail in the great industrial procession which takes place every day; while in the South he is excluded from the field of politics but welcomed to the field of labor. The Negro, forced to choose between the right to work and the right to vote, has chosen the better part. He has decided to work and notwithstanding his exclusion from the suffrage by the Southern people, he has elected to cast his lot with them and gain his subsistence on their soil by the labor of his hands.

It is true that the Negro resents his exclusion from the suffrage; nobody can deny that. He submits to it, but it would be idle to say that this submission is cordial or even voluntary. The white man is inexorably determined to maintain that exclusion, at least under existing conditions. Can the Negro be induced to co-operate for the repeal of the provisions which have promised him political equality, though they have not conferred it upon him? Remember, it is not suggested that the Negro renounce his political rights. He is asked to abandon the vain effort to obtain them through the intervention of the Federal Government, and to accept such rights and privileges as the State is willing to confer upon him now, with the hope that these may be enlarged as he rises in the scale of civilization. Before asking the Negro to accept the measure of political rights which the State is willing to confer upon him, let us ascertain precisely his actual political status. Here I am appealing to him as much as I am appealing to you. I am speaking as a friend of both races, for I believe that no man is a friend of the one that is not a friend of the other. The exclusion of the Negro from the suffrage, of course, excludes him from a voice in the control of the Government under which he lives.

The attempt to measure the consequences of exclusion from the control of Government involves an inquiry as to what government is. Ladies and gentlemen, I think government might be defined as an invention or device for the protection of property. When a man had no possessions of his own but his life and his limb, he did not institute government to protect them. It was not until he had acquired property that he began to co-operate with his fellow-men to establish means for its security. This is not a sordid definition as might appear at first blush, because the protection of property involves the protection of every element, intellectual, moral or material, on which civilization depends. Under a free government men will not work unless they are protected in the enjoyment of the property created by their toil. Every laborer works primarily for his own benefit but ultimately for the benefit of all his fellows. Wherever human hands guide a plough, wherever an axe is laid at the roots of a tree, wherever the product of human toil is being harvested, wherever a train is rushing over shining rails, or a bark is moving across surging seas; wherever a spade is active on the bosom of the earth, or a pickaxe swings in a subterranean passage, there men are working for you and for me, creating commodities available for our comfort and sustenance, though each is conscious of no motive except a desire to gain his own livelihood by wages or by profit. Government, in securing to everyone the peaceable enjoyment of the wages or profit which he is creating, establishes that industrial co-operation by which each man helps all other men. In protecting capital, government is encouraging the activity of labor, because the function of capital is to re-enforce the productive capacity of the laborer. Capital itself is but stored up labor. A man with his fingers could turn over a few square feet of earth in the course of a day, but with the

plough he can turn over several acres. The plough is capital. It is the product of labor expended in other days. The use of capital is the application of stored up labor to active labor—the re-enforcement of to-day's labor by labor expended in other days. In discharging this function of protecting property, government therefore keeps alive all the agencies of civilization, maintaining in motion the tendencies and forces which continually augment the productive capacity of man, and make every day in the life of the race one stage in a march of continuous progress.

Government has had different forms at different times, but never until the close of the last century had democratic government existed on the face of the earth. Democracy had always been a dream to cherish, but it never was a possession to enjoy until this Government was founded. All manner of governments, from theocracy to democracy, from despotism to freedom, have succeeded each other upon this earth. Despotism is based on the belief that security to property can be attained only by the surrender of individual liberty. Aristocratic institutions are based upon a conception that virtue belongs to a small class in each community, the members of which alone are fitted to exercise political power. Democracy proceeds upon the assumption that virtue, intelligence, and patriotism are not the possessions of an individual or of a class, but qualities within the reach of every member of the human family. Autocratic government, then, is based upon distrust of human vices, and democratic government upon confidence in popular virtue. All the changes in government between these two extremes which the world has witnessed may be explained, in my judgment, by the search of property for greater security. Whatever form of government we may consider, we will find that at the time of its establishment it was

the best known device for the security of property. This explains the greatness of Rome under the Antonines, when property was secure through all the limits of the empire. The empire fell when taxation had become so onerous that property had more to fear from its existence than from the success of the barbarians who swept across its frontiers. As feudalism became restrictive of industry, we see kingcraft rise from its ruins, because commerce felt that the exactions of an individual, however great, could never be as oppressive as the destructive disorder of military chiefs, who believed that prosperity could be found in plunder and carnage. When the crown in turn threatened the security of property by excessive and arbitrary taxation, the kingship fell. Even in this country, the colonists who had been prodigal of their blood to maintain kingly authority over this continent, drew the sword and overthrew it when the crown undertook to impose taxes without representation. The ballot is but one means of maintaining government. It is peculiar to democratic citizenship. Citizenship however does not carry with it the right of suffrage, but it does carry with it the right of protection. What government owes all men is security and not a voice in its control. Here the ballot is not conferred upon a man merely to increase his dignity, but to be exercised as a sacred trust for his own protection and the protection of his fellows. It might be that in order to discharge this duty of protection effectively, the Government would be bound to withdraw the ballot from some of its citizens. The ballot in the hands of ignorant or depraved men might result in their own injury, and in that case Government, to discharge properly this obligation of protection, would be bound to exclude them from the suffrage. These States have had the experience of universal Negro suffrage for some ten years, and I think it is the unanimous opinion of civil-

ization that if it had continued until this time all industry would have been subverted, all property destroyed, and every avenue of employment closed. Now, the Negro is the poorest member of the community who must live from hand to mouth by the earnings of every day. Since he is without any stored up capital, he would be the first sufferer from a suspension of industry and the last to recover from it. The withdrawal of the ballot from the Negro was not an injury wantonly inflicted upon him, but in the judgment of the Southern people it was a measure necessary for his own protection as well as for the preservation of civilized life within these States.

While the white people deny the capacity of the Negro to exercise control over government in the South, and are determined to exclude him from a system of universal suffrage, there is one point on which blacks and whites are agreed. The black man has a capacity for work and the white man wants him to work. Here, let me say again that the capacity of the Negro for work completely refutes the theory that the Negro is essentially a barbarian, incapable of civilization, and certain in a state of freedom to develop irresistible tendencies to savagery. The test of capacity for civilization is the capacity for voluntary labor. Wherever a race has met civilization and failed to perish, that fact proves that it is not absolutely and irredeemably barbarous. Civilization is a jealous mistress. Wherever she meets a man she exacts his service or his life. If he cannot labor he dies. Civilization met the Indian, and he has perished. It has met the Negro, and he lives, increasing in numbers, in capacity and in possessions. Against that fact all theories are worthless. I do not care for any philosophical formula or any diagram that you could draw upon a blackboard. Against formulas and blackboards I place that gallery (indicat-

ing the colored audience), with its occupants well dressed, well behaved, intelligent, and capable.

The most difficult step in civilization is the first; the man who can make that can make all others. When we are told that the Negro is a savage and incapable of self-support, I ask how did these men and women obtain their clothes? They have been admitted here by ticket and that fact proves their respectability. What they possess, therefore, they must have obtained by labor, and the race which possesses members capable of labor sufficiently fruitful to obtain these clothes is capable of every improvement. There is no answer to a fact. Whenever a theory comes in conflict with a fact there is but one thing to do. We cannot change the fact as most of us would prefer, so we must change the theory. The ability of the black man to labor is a fact because the fruits of labor are in his possession. His capacity for civilization is, therefore, undeniable, whatever theories to the contrary scientific men may have formulated.

The black man in the South is not merely capable of labor; he is, practically, the only laborer. Before discussing the political relationship which might be established between the two races, by constitutional or statute law, it will be advisable to understand the economic relations already established between them. Economic conditions cannot be modified by the laws of the State or of all the States. Economic law is as irresistible and unchangeable as the law which governs the progress of the seasons or the movements of the planets. Man can no more control the economic than the natural law, but he is a free agent to obey it or to disobey it. In the one case he will prosper, in the other he will suffer. If I would rather sow corn in February than in April there is nothing to prevent me, but my sowing will not be rewarded by a crop. If I want a crop I must sow in the sowing

season, and that sowing season has been fixed by nature. Now, the relations between persons who live upon the same soil are fixed by the economic law, and they cannot be changed. The relationship is one of partnership, and in this partnership the laborer is the most important member. Upon his industry all other forms of industry depend. His arms set in motion all the wheels of production. The mechanic cannot exercise his skill in finishing an article of general consumption until the raw material has been placed within his reach; the merchant cannot sell commodities until the mechanic has produced them; the banker cannot fix rates of exchange until the merchant has disposed of his goods, and railways cannot obtain merchandise to transport except as contracts are made between traders—the whole industrial structure consists of various forms of activity resting one upon another with unskilled labor at the base. The laborer is then the fountain of prosperity, the fountain of commerce, the fountain of wealth. He is the source of every industry. He strikes the soil and the product of his hand is the source of the whole industrial stream to which other forms of labor are but tributaries as it holds its course in a tide of ever swelling prosperity to the great ocean of human endeavor. Every man, black or white, who moves across the stage which we call the world, performing any part in the great function of life, whether it be cultivating the earth or facilitating the exchange of commodities produced by others; fighting disease or establishing laws for the protection of industry; planning devices to re-enforce the productive power of human hands, or unraveling the mysteries of the universe—all are engaged in one vast scheme of industrial partnership, which embraces the whole human family.

The relationship between all men and the cultivators of the soil being essentially one of industrial co-opera-

tion, the question before the people of the South is, shall this co-operation be cordial and productive, or shall it be reluctant and inefficient? You cannot dissolve the partnership, try as you might; but you can decide whether it shall be profitable or unprofitable. You can decide whether there shall be cordial co-operation or reluctant co-operation between the two races. One means measureless prosperity for you, and the other means contracted resources, occasional panics, and prolonged periods of commercial depression. Which will you choose? With you white men who must direct the labor of the South rests the responsibility for the future of both races. Mutual interest should breed mutual confidence. Will you aid each other to prosperity by cordial co-operation or will you plunge each other into decay through reluctant co-operation? It is idle to deny that the relations between the two races now are far from satisfactory. The black man is regarded as a source of potential danger while the constitutional amendments promise him privileges which the white men are determined he shall not exercise. The black man, excluded from privileges to which he believes himself entitled, views the white man with distrust if not with resentment, and is inclined to suspect that as his political rights have been curtailed his industrial rights may soon be invaded.

This attitude of apprehension and distrust, fast drifting into hostility between the races, is the one dark, sinister cloud on the horizon of the South. Let but this race question be settled on a basis of justice and morality—on no other basis can it be settled—and all the people of these States, white and colored, will enter upon a career of prosperity as unparalleled in the history of the world as their soil is unapproached by any land under the quickening kisses of the sun.

I appeal to the interests of both for the abolition of

senseless constitutional provisions which have proved wholly ineffective either for the actual bestowal of political privileges or the protection of individual security, and which are effective only to provoke distrust between the races. Cannot we substitute for the provisions which have proved restrictive of co-operation, provisions which will promote it, by recognizing the ever increasing bond of mutual interest between the races? I repeat that any provision which can be adopted must be one which both races will sanction. It is not worth while discussing whether this is theoretically the best method of securing a constitutional amendment, it is the only practical method. While the Negro may not be able to assert any actual political rights under the Federal Constitution, he can always exercise sufficient influence to prevent any amendment of it against his protest.

In advocating the repeal of amendments which cannot be enforced, I am not suggesting any change in the actual constitutional system of the country. These amendments are now nullified, non-existent. It has been said that I would advocate, and that this Conference would recommend, the repeal of the Fifteenth Amendment. To assemble for the purpose of advocating the repeal of the Fifteenth Amendment would be superfluous. It is repealed, it is nullified, it is dead. It does not exist—it has been lynched. Now, I have the same objection to lynching a constitutional amendment as to lynching a man. The crime which provokes lynching may be heinous, but the method of avenging it is demoralizing. Once lynching is begun it is impossible to foretell the extent to which it may be carried. And so the nullification of constitutional amendments is a proceeding fraught with danger to a constitutional system. A constitutional provision which cannot be enforced hangs like a dead limb on a tree, endangering the life of the whole body. My

suggestion is merely to recognize actual but inevitable conditions, and to substitute for irregular nullification of the Constitution the orderly procedure of amendment and repeal.

We have, then, certain propositions which may be accepted as fundamental and indisputable.

First, Certain existing constitutional provisions cannot be enforced.

Second, No amendment is possible without the concurrence of both races.

Third, No constitutional provision can be enforced in any State against a unanimous public opinion.

Fourth, The only agency by which either law or Constitution can be put in operation, under our form of government, is the State.

Fifth, Everybody, black and white, North and South, is in favor of preserving the citizenship of the Negro inviolate forever.

Sixth, The Negro is fully and freely admitted to equal rights with the whites except in two respects: he is not allowed to participate in universal suffrage; and when accused of a certain crime he is frequently deprived of life without due process of law. To place the actual political status of the Negro in harmony with his theoretical status, the only amendment of the Constitution necessary would be a provision restoring control of the suffrage to the State, and one authorizing the State to prescribe such penalties as it might deem proper for crimes committed against white women by black men. Is it extravagant to hope that the Negro could be induced to support such amendments in his own interest? Surely it must be clear to him that such a change, while depriving him of no privilege which he actually enjoys, would result in giving some right of suffrage on local or municipal matters immediately and some prospect of wider rights

hereafter, while it would almost certainly put a stop to lynching by removing every pretext of justification for it.

It is important to remember that the most important point of difference between the races is not the admission of the Negro to the suffrage, as is generally stated, but whether his right to the suffrage should be determined by the United States or by the State. The suffrage, originally was wholly within the control of the State. With a single exception it is within its control now to be given or withheld at its absolute discretion. It can discriminate between citizens on account of property, on account of education, on account of stature, on lines physical, moral or intellectual, but it cannot discriminate on account of race, color, or previous condition of servitude. The Southern States, however, while they cannot prescribe distinctions by law on account of color or race, have enforced these distinctions in their customs, and custom is stronger than any law, constitutional or statute. My proposition is not necessarily to exclude the Negro from the suffrage, but to allow the State to decide the conditions on which he shall be admitted to the suffrage. It is not worth while discussing whether in this respect the State or the Nation is academically the better source of authority. It is enough to say that the State is able to enforce its laws on the subject and the United States are not. The United States have attempted to give the Negro the suffrage and they have failed. The State being the only power that can settle the race question effectively, its hands should be left free to deal with it, not according to the impulses of the more violent, but according to the wisdom of the most enlightened and conservative of its citizens.

If full control over the suffrage be restored to the State, let us see what would be the effect upon the Negro, immediate and remote. With power in the hands of the

State to fix the political status of the Negro, the white people of the South would no longer be held together by fear of him. Delivered from the spectre of Negro domination, they would soon compete among themselves to promote his prosperity, because they would realize that their own improvement depends upon his improvement. We have seen that the Negro cannot increase his wages without increasing the prosperity of every member of the community. The converse of the proposition is equally true. The community cannot become prosperous without admitting the laborer to a share of the prosperity which he creates by increasing the rate of his wages. My friends, would you object to an improvement in the condition of the Negro which you will share in large degree? The more productive his labor, the more extensive your prosperity. The more efficient the labor of the Negro, the more valuable he is to the community, and that which the community values it never oppresses. As the Negro develops industrial capacity he will make his own place in the political system of the State. What that may be I cannot say. What the future holds in her grasp remains veiled behind the impenetrable shadow of the years that are to come. This much I do know, that no race and no class which developed industrial capacity has ever been excluded permanently from some recognition in the political system of the State. As the Negro develops industrially he will improve materially and politically. His evolution will be accomplished by the development of the productive capacity which he possesses, not by premature, improvident and ineffective attempts to give him political privileges. Progress for the Negro is along the line of industrial evolution. That is the pathway which the white man has followed. There is no other open to the footsteps of man, black or white. The Negro will have the benefit of the white man's

experience. He will be able to see the causes which obstructed and those which have facilitated the march of the white race for four thousand years. His will be the benefit of our successes and the warnings of our failures. His progress will, perhaps, be more rapid than ours, but whether faster or slower it must be made along the line of industrial improvement, which the God of all races has prescribed as the sole pathway to civilization and liberty.

It has been said that if the control of the suffrage were restored to the State, the Negro would have no protection against oppression or spoliation. The first answer to that suggestion is that the Negro is excluded from the suffrage now, yet all his personal rights are secure, with the exception that he is not always accorded due process of law when accused of a certain crime. I am not afraid that under any circumstances the State would allow the Negro to be discouraged from labor, and any violation of his personal rights would operate to discourage his productive capacity. If one State undertook to oppress the Negro or neglect his interests, some other State, with a keener conception of its own welfare, would pursue a more enlightened policy, and the fruits of enlightenment would be so beneficent and so conspicuous that the State which achieved prosperity through justice would soon be the model to which every other State would conform. If the desire for prosperity were not enough to insure justice, consider for a moment the appalling consequences of injustice or neglect. If the Negro is to decay, he will drag the whites down with him. You are linked upon this soil. You cannot be separated. Together you must rise, or together you must fall. If the Negro becomes poorer, squalor follows fast after poverty, behind squalor follow vice and brutality, and these brutalize and demoralize all who witness them.

Close on the heels of squalor, vice and brutality follow disease and pestilence. Think you, ladies and gentlemen, that you can localize the bitter fruits of crime and filth and famine? What barrier can be erected between one part of a community and another, which disease cannot pass? Think you that pestilence can be lynched or that it can be frightened from invading the homes of the whites after ravaging the hovels of the blacks? If demoralization, disease and crime be bred in Negro huts they will invade your dwellings, strike down your best beloved and your most highly esteemed, corrupting every class, involving weak and strong, blacks and whites in one common ruin. For the faithful discharge of every duty to the weak, imposed by humanity on the strong, the white people of the Southern States pledge the future of their children, the security of their homes, the lives of their citizens, all the property which they possess and all the hopes of prosperity which they cherish. With such hostages to humanity there can be no fear of inhumanity.

My friends, while passing through this country of yours, on my journey from New York, I looked through the windows of the train on the fairest land which ever gladdened the eye of man—on pastures where innumerable flocks browsed by rippling brooks; on towns where buildings seem to spring by magic from the ground; on teeming populations engaged in transmuting the raw product of the earth into the finished commodities available for the support, the comfort, and the luxury of men, while beneath the soil still greater wealth waited but the pickaxe of the miner, to contribute still larger streams of abundance to the prosperity of the land; and looking, I felt that this, indeed, was a paradise,—not a garden where a race had fallen, but a garden where a race will be saved.

Because the Negro has not yet been able to acquire all the political privileges of the most advanced civilization in the world, some people despair of the future. You must remember that one generation ago the Negro was a slave, regarded by the white man not merely as of an inferior race, but as of a distinct species. Although he is not admitted to full participation in the government of the State, he has made greater progress than has been achieved during an equal period by any other race in history. The chasm between him and the white man to-day is not so wide as that which separated the Russian serf and the Russian noble fifty years ago, not nearly so wide as that between the French peasant and the French noble before the Revolution, far less wide than that between the English frankman or freeman and the English noble two hundred years ago, as any one may see who reads in Coke upon Littleton the oath exacted from the freeman by his lord as the condition of his tenancy. The black man to-day enjoys here in the South every right and privilege which any white man enjoys throughout the world outside the United States. The security of his property is the only right which the white man enjoys in any country of continental Europe; that right the black man enjoys in the Southern States in a much higher degree. Here he is not drafted into an army as in France or Germany, his labor wholly stolen for three years, and partially stolen for the balance of his life to support other men in military barracks.

Surely the condition of the black man would be immensely improved if, instead of straining at this moment after the shadow of political privileges the substance of which he cannot attain, he devoted his energy to improving his industrial capacity in which the whole people of the South are ready to encourage him. If he follow this course I believe that political privileges will come to

him, not in a year, not perhaps in a generation, but just as soon as he will have shown by his industrial efficiency that he is ready to use them to his own profit and for the welfare of the community. It must be remembered that a share in the control of democratic government is not an elemental right of civilization, but its very highest achievement and reward. No white man enjoyed it until the close of the last century, for the simple reason that until that time white men were not fit for it. While republican government was established for the first time on this continent, the origin of democratic institutions is not to be found in the Constitution of the United States, nor in the Declaration of Independence, nor in the Petition of Right, nor in Magna Charta, nor in any institutions or enactments of purely human origin. It was announced for the first time nineteen hundred years ago on the shores of Lake Galilee, when the Saviour of mankind proclaimed the principle that all men who dwelt upon the earth were equal in the eyes of Him who created it. The general acceptance of this doctrine of Christianity necessarily led to democracy, because institutions based upon the equality of all men in the eyes of the law were the natural fruit of a religious belief in the equality of all men in the eye of God. Men were readier to accept the religious belief than to acknowledge its political consequences. In less than five centuries all the Pagan temples were given over to the worship of Him who died upon the cross, but it took eighteen hundred years before the doctrine which He preached was reduced to practical operation in institutions of government. These centuries, however we may regard them, whatever disturbances may have marked their course, were all periods of progress for the individual man. The essence of Christian revelation was the improvement of the unit, the individual. Christ's mission was not addressed to kings or rulers, or nations,

but to each separate man. His mission was in no sense political, although it has accomplished the most important political results which the world has ever seen. So far as He spoke of political institutions it was to counsel obedience to them. He bade the subject be loyal to Cæsar, but His doctrine reminded Cæsar that he was responsible to a higher power for his treatment of the subject. He bade the slave be submissive in his chains, but His gospel warned the master that the man whose limbs bore irons was spiritually the equal of the man whose brow wore the crown. If, when He gave the word, He spoke as God, He suffered and died as a man so that all humanity should learn how to obey it. It was as a man that He bore the insult of the soldier; it was as a man that He received the crown of thorns on His head, the nails through His hands and feet, the spear through His side, and the sponge at His lips. It was as a man that He asked forgiveness for the men who had derided Him, mocked Him, killed Him. And through all this passion and suffering and death He evinced no quality of fortitude, forbearance or mercy which is beyond the power of any other man to imitate. The mission of Christ was not the glorification of dynasties or the elevation of States or the rectification of frontiers, but the improvement of the separate human unit. Ever since the Christian doctrine was preached, the individual man has been improving. The first economic effect of Christianity was the substitution of free labor for slave labor. Slavery, which involves the ownership of one man by another, was manifestly inconsistent with the religious belief in the equality of all men. So, as Christianity spread slavery disappeared; but there is a long distance between servitude and sovereignty. Man became free in the sense of acquiring the right to dispose of his liberty and his person long before he was admitted to a share in the

control of any State, but during all that period he was steadily improving and fitting himself for the privileges of democratic government.

The whole history of the world since the Christian revelation has been the progress of the individual man towards that intellectual and moral development which fitted him for the control not merely of the matters which were of exclusive interest to himself, but of those matters in which he had a common interest with his fellows. As we look back over the history of the white race since the dawn of Christianity we can see that this progress, though often meeting with obstacles, was always continuous. The old Roman Empire, built upon blood and slavery, was the first and greatest barrier to Christian progress. It fell, and the history of the world since its overthrow; the movements of savage tribes from the northern forests; their conflicts, invasions, repulses, successes, and defeats; the disappearance of races merged into other races, the establishment of feudalism, the Crusades moving the flower of Christendom to the rescue of the Holy Sepulchre, the rise of kingcraft on the ruins of feudalism, were all steps in the gradual preparation of man for the discovery of this continent, that here upon this soil, free from any traditions of class hatred, or imperial despotism, a government might be founded based on confidence in human virtue. That experiment has been tried, and its glorious results are visible over the world.

It took the white race over four thousand years to reach the capacity for democratic government which has made this republic possible. It is not, then, extraordinary if the black race has been unable to accomplish in one generation the progress which the white race has achieved so slowly and so painfully. Full political rights must be achieved by the black man as they have been achieved by the white man through the improvement of the indi-

vidual unit. My friends, what the white race has accomplished is not for itself alone, but for the benefit of all humanity. It must be your duty, as it will be your profit, to help your weaker brother on the journey which is before him. The white man who raises a hand to retard the progress of the colored man lifts a suicidal hand against himself.

Everything which I have said here to-night, every thought in my mind, every fibre of my being, is moved by sympathy for this race, brought here against its will, compelled to live in slavery for centuries, then suddenly thrown upon its own resources without preparation for freedom or provisions for support, with the hands of the white people tied so that the question raised by emancipation could not be treated according to its racial features. The task before you, then, in its last analysis, is to aid the colored race in achieving the highest development of its industrial capacity. When that is accomplished all else will follow. Your capital duty is to make the colored race prosperous, for in doing that you make yourselves prosperous. It will not be disputed that as the colored man practically monopolizes the field of labor his industry is the base of your prosperity. I repeat, as that base rises you will rise, as it sinks you must sink. You ask me how is this improvement of the colored man to be accomplished. I answer that the solution of the question has been found here in this State. I believe Tuskegee is the solution of this industrial problem. Let the Negro be prepared for life as Booker Washington prepares him. Here is an institute turning out a number of young men and women every year so well equipped for life that almost without exception they become useful, productive, valuable members of the community. Let there be a Tuskegee in every community, and I promise you that the next generation, instead of troubling about

the Negroes, will be celebrating a glorious success in settling a question graver than any presented to a nation in the history of the human race.

I admit that it is impossible for the Southern States to maintain such an institute in every county, not because they lack the disposition, but because they lack resources. The Southern people have done what they could to solve this question, but their means are limited. The South was not wholly responsible for the introduction of slavery, but by a mysterious dispensation of Providence these States have been compelled to pay the whole cost of expelling it. The Federal Government which decreed the emancipation of the Negro had never made the slightest contribution toward fitting him for freedom. It is true, the black man worked and slaved for hundreds of years without wages. I would be glad to see the Federal Government make some reparation by giving him a credit of two hundred and fifty millions or five hundred millions, and devoting the interest every year to his education. Wherever the State spends money in preparing the Negro for usefulness and progress, the United States should reimburse it. Every dollar paid for the educational and industrial improvement of the Negro will come back one hundred fold. I think it would be better for the Federal Government to spend five hundred millions in preparing the Negroes to sustain the burdens and profit by the advantages of freedom, than to spend one hundred millions in slaughtering Filipinos while trying to subjugate them. Better one black man prepared for effective industry on the bosom of the earth than one hundred brown men placed under the earth. The grandeur of a nation does not depend upon its capacity to kill, but upon its capacity to create. The splendor of our destiny has not been accomplished by trampling men under foot, but by raising men from all over the world to a share in

this citizenship,—the flower and fruit of Christian civilization. There is still one race which has not been admitted to that equality of political privileges which all white men enjoy on this soil. Ladies and gentlemen, it is the task of a stronger race to help the weaker up the pathway of progress. That weak race has shown its capacity to improve because it has improved. We must measure the capacity of a race, not by the depravities of the worst, but by the virtues of the best among them. If we applied any other test, no people in the world would meet it successfully. If we were to measure the leading cities of the world by the depravities of the basest among their inhabitants we would be forced to wish New York, London, and Paris buried beneath the waves of the sea; but measuring their value to civilization by the virtues of the best among their citizens, we realize that they are powerful forces for the relief of distress, the spread of education, the improvement of humanity. Applying the same test to the colored race, measuring their capacity for improvement, not by the depravities which may be discovered among the worst, but by the virtues which have been displayed by the best amongst them, we know they are capable of progress, and it is your duty and your interest to develop that capacity to its utmost limits. To the extent that you discharge that duty efficiently and faithfully you will benefit yourselves. In uplifting their manhood you will dignify your own. It is creditable for a nation to pursue an ascending path of civilization; but it is glorious when it achieves progress holding a weaker race by the hand. When this country shall have solved this problem it will indeed have assumed the primacy of civilization. That flag will indeed be as much an emblem of the fruit which Christianity has borne, as the cross is the emblem of the divine sacrifice in which Christianity had its origin. With blacks and whites dwell-

ing in harmony on this soil and cultivating it, the bitter memories of past hostility extinguished in grateful appreciation of cordial and fruitful co-operation, you will have performed the gravest duty ever imposed on a Christian State; and this people will achieve that reward of enduring peace, of overflowing abundance and of immeasurable glory with which Providence always blesses a nation where patriotism joins to ardent love of country a love of justice and love of the whole human race.

V

America's Trust Problem

THE precise question which we have been called to consider is the effect produced by combinations, whether of capital or of labor, upon the general prosperity of the community. The first step towards a solution of this problem is to ascertain just what we mean by prosperity. One of the great difficulties in the way of philosophical inquiry into economic subjects is a very general tendency to use vague, sonorous and misleading phrases, which instead of making a difficult problem clearer serves to becloud it, obscuring its outlines, and magnifying its dimensions. In the controversies which have arisen over this industrial question, certain expressions have become perverted from their original significance and have acquired a strange power of provoking men to excitement, if not belligerency, so that oftentimes we find ourselves embarrassed in discussing facts which concern us by words which excite us. The word "trust," for instance, a word originally of highly respectable significance, has become discredited—apparently by association with millionaires—so that its application to a business enterprise is now the signal for discarding the sober language of argument and for invoking the violent epithets of denunciation.

For the purpose of establishing an intelligent basis of discussion, free from terms likely to provoke passionate

declamation, I shall define prosperity as an abundance of commodities fairly distributed among those who produce them. Now, this is not to state two separate and distinct conditions, but rather two aspects of one condition. For, my friends, I hope to establish before I conclude that there cannot be abundant production of commodities without an extensive distribution of them in the form of wages wherever industry is based upon freedom. Whether that distribution be as general as we might wish, is a question which we will consider hereafter; meanwhile we can all agree that distribution can be extensive only where production is abundant. We must have commodities in existence before we can distribute them in the form of wages or of profits. If this definition of prosperity be correct, it must follow that any industrial organization or system which operates to swell the volume of production should be commended, and that any that operates to restrict it should be condemned. For my part, I could never understand why a sensible man should grow excited either to approval or resentment over a combination as such. A combination may be good or bad, according to its effect. A combination for prayer is a church. All good men would subscribe to the success of it. A combination for burglary is a conspiracy. All good men would call out the police to prevent it.

Whether combinations of capital operate to raise prices or to reduce them is a subject about which there has been a wide diversity of opinion wherever economic questions are discussed. While I am fully conscious that the movements of prices depend upon many forces, or perhaps I should rather say, upon every force,—upon the fertility of the soil, upon the sun that quickens the seed, upon the rains that refresh it, upon the rivers which facilitate the transportation of the crop harvested on the surface of the earth, and of the minerals yielded from its bosom,

upon every element of nature as well as upon the industry of man,—I think it is beyond question that some combinations of capital operate to cheapen commodities and some operate to make them dearer.

I believe that there is a very simple test by which we can always determine the effect on prices of any successful industrial organization, and that is to ascertain whether it flourishes through government aid or without it. You must see that an industrial enterprise which dominates the market without aid from government, must do so by cheapening its product, or, as it is commonly described, by underselling competitors. An industry which at one and the same time reduces the price of its product and swells its own profits can accomplish that result in one way, and one way only, and that is by increasing the volume of its production. On the other hand, an industry which flourishes through the aid of government, direct or indirect, cannot, in the nature of things, be a force to lower prices, because if it could dominate the market by underselling competitors in a free and open field it would not need government favor. In that case, any interference of government with its business would be an injury, not a benefit. The prosperity of an enterprise enjoying government favor, depends not on the excellence of its service, but on the inability of people to purchase elsewhere. Such a corporation, or combination, never operates to stimulate the volume of production, but always to restrict it, because a government's aid to industry is effective only when it is exercised to extort from the public a volume of profit which without it could be gained only by a larger output. Whatever may be our opinions of industrial enterprises dominating the market by cheapening products, I believe we are unanimous in condemning as detrimental to prosperity every concern whose revenues derived from con-

sumers forced to deal with it on its own terms, are not profits earned by substantial service, but tribute exacted from a community made helpless in its hands.

Every person must concede, whether he believes in high tariff or free trade, that a protective tariff fosters combinations to control the market in one way. It restricts competition in any commodity to those producing it in this country. Under a condition of free trade every article seeking a market, wherever produced, is exposed to the competition of the whole world. Obviously the control of a market by a combination or trust is facilitated where the field of competition is artificially limited, since it is easier to combine the producers of one country than those of all countries; to that extent the tariff encourages trusts.

It is proper to say, however, that according to the protectionist the exclusion of foreign competition develops a domestic competition much keener and in some mysterious way, more beneficent. I do not understand his logic, but I think that is a fair statement of his proposition. The tariff has been discussed in this country for some eight or ten years, and the question is still unsettled. As it has become a party question we cannot hope to settle it here, and therefore we will relegate it to the forum in which all political issues must be decided.

But there is a very serious form of government interference with trade which I think we can discuss profitably and which in my judgment has had a wider influence in promoting industrial combinations than the tariff. I refer to special favors extended to certain industries by great corporations exercising public franchises. I call this form of discrimination government favor, because these corporations are essentially agencies of the government although their stocks are owned by private individuals. No person can enjoy a favor at the hands of

any company exercising a public franchise except at the expense of another, for it is clear that if one person obtain rates of transportation unusually favorable, in other words, if his goods be transported for less than the service costs, other men using the same means of transportation must make good the loss. Discrimination of this character is destructive of free competition. The producer who gets the benefit of it is able to undersell his competitor, not by the superiority of his product, but by the favor of the government agency. Profit is the object of all industrial effort. If the favor of a corporation be a shorter pathway to it than efficient service to the public, the ingenuity, enterprise and talent of men will be diverted from the wholesome competition of industrial skill to debasing and corrupting intrigues for corporate favor.

Is there any remedy for this form of oppression? Some gentlemen have suggested municipal ownership as a cure for corporate misconduct. I have no irreconcilable quarrel with that suggestion. Any public service which the government can authorize a corporation to perform, it can perform itself. The only excuse for empowering a private corporation to discharge a public function is the belief that the former will perform the service more efficiently. The question of municipal ownership is a mere question of expediency, and there are many grave obstacles to be overcome before municipal ownership could be reduced to practical operation, even though we should set about establishing it to-day. And so, while the theory is highly ingenious and highly interesting yet, like the suggestion of a convention to frame a new constitution for the United States, as a remedy for pressing evils, it is somewhat remote.

Can this conference, then, suggest any practical remedy which could be put in force to-morrow, by any legis-

lature that may be in session? It seems to me there is a very effective remedy and a very simple one. It would not be necessary to frame a law prohibiting special privileges to individuals from public corporations; that is the law to-day. The remedy is simply to prescribe a definite penalty for violation of it, and to provide for publicity in all the transactions of a corporation exercising public franchises. No fines, no judicial rebukes, no denunciations from platforms, no legislative enactments merely declaring things to be reprehensible will eradicate the evil, but a simple statute giving every shipper, every person using a public franchise of any kind, the right to have disclosed to him at any time every contract and agreement made with any other person for a similar service and declaring the grant of a special rate by a corporation a felony punishable by a long term of imprisonment, will cure it effectually.

There is no disproportion between the offense of which we complain and the remedy suggested. Discrimination in the rates charged for a service essentially public is a crime of the first magnitude. The corporation, exercising powers conferred by the state for the benefit of all, which denies one man opportunities enjoyed by others, robs him, if not of property in his possession, of the opportunity to acquire property.

Publicity of corporate proceedings would accomplish more than the prevention of discrimination in rates. It would go far towards curing the most conspicuous and the most crying evils of corporate management.

We have heard much about the evils of over-capitalization. Indeed, it is one of the subjects which this conference is called to consider. In one sense, I do not regard over-capitalization as a matter of importance; in another sense, I think it has a serious aspect. The nominal capitalization of an enterprise in itself is a matter of little

moment. If an enterprise earning ten thousand dollars a year is capitalized at one hundred thousand dollars, the stock would probably sell at two hundred; if it were capitalized at four hundred thousand dollars, the shares would sell at fifty. In either case, the actual value of the stock would be two hundred thousand dollars. That value is established not by the rate of capitalization, but by the opinion of the public, and that value would remain undisturbed no matter what the nominal capitalization might be.

The gentleman who opened this conference, Professor Jenks, in his admirable statement of the questions to be considered, presented this question of over-capitalization by means of a very striking illustration. He mentioned the case of a newspaper earning one hundred thousand dollars a year, and pointing out that according to its earning capacity it represented a capital of at least one million dollars, although one hundred thousand would reproduce its presses, its building and its entire plant,—all except the editor, he asked this conference to say at what sum it would be fair to capitalize such an enterprise. It seems to me the answer is very simple. Tell the public to whom you offer the shares candidly and frankly the whole truth about the property, and capitalize it as you please. If you capitalize it for more than the public believe it to be worth, your shares will sell at a discount; if you capitalize it for less they will sell at a premium. The nominal capitalization is the asking price of the seller, the market value of the stock is the price actually paid by the buyers. If I ask a million dollars for a building and take one hundred thousand for it, nobody is injured by the price demanded, and nobody has a right to question the price which I receive provided no element of fraud or misrepresentation has entered into the bargain.

A high rate of capitalization even of a corporation exercising public franchise, is not necessarily an injury to the public. I can imagine a case where an increase of capitalization without any investment of additional capital might be a great public benefit. Assume for a moment that the Western Union Telegraph Company should reduce its rates to five cents per message, and that instead of being diminished its profits were doubled thereby, should anybody object to an increase of its capitalization based on such an improvement of its service? If it undertook to swell its profits by increasing the cost of telegraph service, then every weapon, legislative and executive, should be invoked to prevent it. The injury to the public would not be the increase of capitalization, but the increase of rates.

The idea that high capitalization forces corporations to charge excessive rates in order to pay dividends, is wholly erroneous. A corporation always strives for the maximum profit, regardless of its capitalization. An attempt to exact excessive profits defeats itself by discouraging consumption and encouraging competition. Skill in business management is shown by capacity to fix that rate for a product which yields the largest margin of profit consistent with the greatest stimulus to consumption. The rate of capitalization has no relation to the cost of the product, and, therefore, it in no way affects the consumer. It concerns merely the holders of the stock, that is to say, the owners of the enterprise. It is, therefore, a question between partners, in which the community as a whole has no interest.

In all this, however, I am assuming that the public have been treated with absolute candor, and that the property capitalized has been truthfully described. There are instances, too common, unfortunately, in which overcapitalization of corporations has been made an effective

engine of fraud. The capitalization, for instance, at five millions of an enterprise which cannot pay dividends on one, by men whose names are accepted as guarantees of solvency, honesty, and capable management, often leads the public to buy the shares at a fictitious value without any direct or specific misrepresentations. To deceive by indirection or suppression is as much a fraud, as to mislead by positive falsehoods. A false pretense by which a dealer on the Bowery is cheated out of a pair of shoes, is called a swindle, but misrepresentation on Wall Street by which the public is cheated out of millions, is often called a financial operation. When a swindle is called by its proper name and punished as such, whether it be perpetrated on the Bowery for a few cents, or in Wall Street for millions of dollars, whether it be in the crude form of breaking a window to abstract valuables, or in the more dangerous form of inducing thousands to part with money for worthless certificates, swindling will become rare.

If in every instance the promoters of a corporation were compelled to state the whole truth about the enterprise offered to the public, it is plain that swindling by over-capitalization would be impossible. For this species of fraud, as, indeed, for all other frauds growing out of corporate management, the remedy, I repeat, is publicity, publicity, publicity.

While on this subject I may dwell for a moment on what to many seems an unaccountable phenomenon—the public dislike and distrust of corporations. I do not share that hatred and dislike, but I understand it. While I do not think it wholly justified, yet I believe the history of corporate management in this country explains it. Indeed, I hold it is indisputable that whenever in America a general opinion on any subject is found to prevail, there is always pretty good ground for it.

The distrust of corporations arises not, in my judgment, from a general opposition to corporate organizations, but from profound distrust of corporate administration. My friend from Texas whose eloquent periods moved this body profoundly on the first day of our session, was careful in his denunciation of corporate oppression to distinguish between corporations which served the public faithfully and those which oppressed the public. I am not quite sure that I understood all his words, but I think he and I sympathize in our feelings. We do not object to the principle of co-operation. The corporation is the natural evolution of the partnership. It is a scheme by which many men, strangers to each other, can co-operate in various fields of industry with a limited risk to each, while partnership is essentially the co-operation of a few men well known to each other, who are compelled to devote all their time and pledge all their resources to the success of their joint enterprise. A man by holding stock in different corporations may participate in many enterprises without risking all his capital in any one, while the liabilities and conditions of partnership are such that few, if any, men could afford to be concerned in more than one. As every device which facilitates the industrial co-operation of men promotes the volume of production, corporations possess enormous capacity for swelling the tide of human prosperity, and they have promoted the well-being of every community in which they have been encouraged, in spite of the fact that the management of corporations has been the blackest page in all our history.

You need not look further back than the panic of 1893 and the corporate management which proceeded it to find abundant cause for indignation, distrust, and alarm. It is a dreary, shameful story of trusts betrayed, of stockholders deceived and plundered, of corporations

wrecked and looted—their treasuries emptied by faithless officers through devices ingeniously fraudulent, until, deprived of property, of resources, and of credit, they were driven over the precipice of insolvency in a condition so rotten that their fall was almost noiseless. But this is not all. The corporations which trusted these faithless agents were not the only sufferers. The people at large were defrauded of untold millions. Worthless securities were marketed not, it is true, by specific misstatements, but by devices still better calculated to defraud. Interest was paid upon bonds where it had never been earned. Dividends were declared upon preferred stock when the actual revenues showed deficits instead of profits. The people, deceived by these evidences of prosperity, bought the securities, only to find when the collapse came, when the ruin was complete, that in nine cases out of ten the architects of these frauds were appointed by the courts receivers of the enterprises which they had wrecked, enabling them to control the process of reorganization and to conceal the proofs of their crimes.

The worst feature of this miserable story is that all these perfidies, all these frauds, all these infamies, have not brought one hour of shame or punishment to those who perpetrated them. These engineers of ruin are walking the streets to-day, their heads high in the world of finance. Their misdeeds bring upon them no popular condemnation, because their operations have been shrouded in secrecy. To the best informed the story of their crimes is only partially known, to the vast mass of the people it is a sealed book. The masses of the people feel instinctively that corporate management has been frequently a fountain of oppression, of fraud and of corruption, but the lack of specific information has caused the public indignation which ought to be visited upon

the officers responsible for this shame to be turned on the corporations who have been its victims.

We hear much about the corruption of municipal corporations. Well, probably they are corrupt; certainly they cannot be more so than they are believed to be. But the government of industrial corporations has largely escaped public censure, notwithstanding the recklessness and fraud which have characterized it. What we punish as corruption in politics, we are inclined to encourage as talent in finance. The courts of nearly every state record prosecutions of public officers for bribery. I don't believe that in the whole history of our jurisprudence an officer of a corporation has been compelled to answer at the bar of a criminal court for corruption or fraud perpetrated by the indirect and insidious methods which I have endeavored to describe.

Mr. Gompers mentioned to-day the complaints which labor organizations make against the courts for interfering in disputes between employer and employee by the writ of injunction. The expression "government by injunction" has become a political phrase, and so we must exclude it from these discussions. But, ladies and gentlemen, I will say that to me it has always been a source of profound regret that the courts which have displayed so much ingenuity in devising methods to prevent corporations from being disturbed by their employees have not shown half that ingenuity in devising methods to prevent them from being robbed by their officers.

Wherever we discover corporate abuse we find that it originates in secrecy, that it is developed in secrecy, and that it is maintained in secrecy. Special favors could never be granted in the light of day. Misrepresentations would be useless if all the facts within the knowledge of corporate officers were imparted to the public. Fraud upon corporations by the directors would never be at-

tempted, if their operations were conducted within full view of the stockholders and of the public.

Everybody who has discussed corporate misconduct on the platform has agreed that it is encouraged by the secrecy surrounding corporate management. Surely, then, we may hope that this conference will be unanimous in recommending publicity.

What objection can there be to publicity? We are told that corporate management is private business. This certainly is not true of corporations engaged in operating public franchises. Such corporations are government agencies, and the right of the people to full information concerning the operations of public agencies cannot be questioned under a republican form of government. Corporations of every kind are created for the purpose of encouraging industry and promoting prosperity. Wherever they become engines of fraud or oppression they are perverted from their original purposes. Secrecy being the source of evil, publicity is its natural antidote. An officer of a corporation acts not for himself, but for others. Whoever acts for others will not shun publicity but court it, if his conduct be governed by honesty. The desire for secrecy is the infallible badge of fraud. The pretense that publicity would injure the interests of stockholders is a device to plunder them. Under the cloak of secrecy stockholders have been robbed quite as extensively as the people have been oppressed. No man who seeks to render another a service fears the light of day. It is only the rogue who seeks the cover of darkness for his operations. Whenever any person seeks to lure you up a dark alleyway on the pretense that he wants to serve you, be sure that he means to cheat you. Do not parley with him for a moment. Call a policeman on the spot if you want to preserve your property and your character.

The final argument in favor of publicity as a remedy for

corporate misconduct of every character is its simplicity. It is not a suggestion of new laws, but of more efficient machinery to enforce existing laws. Before leaving this branch of the subject I will venture to outline a system for securing such publicity of corporate administration as would effectively prevent favoritism to individuals, oppression of the public, and fraud on the corporations themselves.

Every person using a public facility should have the right to know the terms on which the same service is enjoyed by every other person. Every stockholder should have the right to examine the books of a corporation and to learn every detail of its operation. If it be objected that to allow the holder of a single share in a corporation capitalized for millions, to examine its books at pleasure, would disturb its business, the answer is simple. If a corporation doesn't want a great number of stockholders it need not have them. It has but to divide its capital stock into shares of five hundred or a thousand or ten thousand dollars each in order to reduce the number of its shareholders. Corporations divide their stock into a great number of shares because it is easier to raise money from many persons contributing each a small sum, than from a few persons each contributing a large amount. If the corporation enjoy the advantage of such a subdivision of its capital, it should accept a corresponding responsibility to every individual shareholder. Indeed, under existing laws, every stockholder has a right to examine the books of a corporation, if the courts would enforce it. In this respect the only new legislation necessary is an act compelling the courts to grant as a matter of right, what to-day they grant as a matter of discretion.

Every corporation should be compelled to file with the secretary of state at its organization a statement of all

the property, franchises, goodwill, and assets of every description on which its capitalization is based.

It should be compelled to make a full report every year of all its business to some department of the state. This is the law to-day in nearly every state, but I believe that it is evaded in all of them. The reports are invariably misleading, when they are not incomprehensible. It would not be difficult to make provision for such clear, specific statements as would enable everybody to understand the exact financial condition of every company doing business under a corporate charter. The public could then estimate the value of its shares and no man need be defrauded, no matter what its nominal capitalization might be.

The powers now exercised in almost every state by the department of insurance and the department of banking should be extended so as to make it the duty of some public authority to examine the condition of every corporation, to scrutinize its operation, and to institute criminal proceedings against any officers attempting to practice fraud or concealment in preparing the reports exacted by law. The failure to place the law in motion against them would then be accepted by the public as proving the honesty of their management.

Finally the violation, evasion or disregard of any of these provisions should be punished by long terms of imprisonment. Where great sums are to be gained by disobeying the law, fines will not secure obedience to it. Under such circumstances fines are too often regarded as mere taxes on financial operations, to be collected subsequently from the public.

With these simple remedies prescribed and rigidly enforced, no form of corporate corruption or oppression could be practiced, and I promise you that when honesty governs corporate officers the distrust and dislike of cor-

porations now so general will disappear from the minds of a liberty-loving people, who are always seeking justice even through their prejudices.

In prescribing the limits of publicity a distinction must be observed between corporations which enjoy no favor from the state, except the right to do business under corporate forms, and those specially chartered to perform public functions. To compel a private corporation to disclose its processes of manufacture would be to confiscate its property. The methods by which such a corporation conducts its business concerns itself alone; the results of its business, that is to say, the nature and extent of its property, concerns the public; they should be disclosed so that the people to whom its shares are offered could form an intelligent judgment of their value.

Corporations exercising public functions should have no secrets whatever. They are public agencies. Every feature of their possessions, every detail of their administration should be public property.

I have discussed government interference with the affairs of the citizen at this length because I want it understood that to monopoly dependent upon government favor in any shape or form I am as firmly opposed as any gentlemen in this body—even from Texas. I confess that I envy Texas its breezy rhetoric, when I want to denounce that form of government oppression. But, my friends, when we come to consider an industrial organization which dominates the market not through government favor but through the cheapness of its product, we are face to face with a force in production which is of a radically opposite character.

To denounce any organization as a trust or a monopoly is neither to state an objection to it nor to suggest a method of dealing with it. Avoiding the use of all such exciting and misleading phrases, I will state simply that

any form of industrial organization which cheapens a commodity necessary to my comfort commends itself to my approval. I confess that I would rather pay forty dollars for a good suit of clothes to a large industrial organization, than fifty dollars for an inferior suit of clothes to an individual dealer. Now, this may be a confession of total depravity. If it be, I hope you will regard the candor which impels the confession as some extenuation of the offense. I am so constituted that I prefer good service to bad service, and I cannot quarrel with any organization or system which improves my condition, even though you call it a monopoly. Monopoly is a word which suffers from a very bad name, and deservedly so. It has been associated for ages with the very worst form of governmental practice. During nearly all the history of the world, indeed, I may say until this generation, monopoly meant control of the market by some favorite of the government through a patent conferring upon him the exclusive right to deal in certain articles of general consumption. This was practically a license to prey upon the necessities of the community. In operation it led to such abuses, oppressions and infamies that the word used to describe it very naturally acquired an evil significance, which to this day awakens the indignation of every justice-loving freeman.

I do not believe there is an organization doing business in this country without government favor which can be called a monopoly, in any fair interpretation of that term. The Standard Oil Company, which is generally deemed a monopoly, supplies only about 62 per cent of all the oil consumed in this country. Such concerns have been described here as "partial monopolies." I confess I am unable to understand that term. A "partial monopoly" is about as intelligible an expression as a "partial whole." It seems to me corporations of this

character would be better described as dominating industrial enterprises, than as monopolies. Each may be said to dominate the market for its product, because, although it does not furnish the total amount consumed, it does furnish the larger proportion of it. However, I will not quarrel with words. I don't object to the institution which gives me clothes or food the cheapest, even if you call it a monopoly. I care little about the terms in which it may be described, while I am deeply concerned in the service which it renders.

Let us examine the objections to these industrial enterprises which through aggregations of capital or efficiency of management, or any other cause independent of government favor are able to dominate the market. It is said that such an organization destroys competition, but this is manifestly illogical. It does not destroy competition; it is itself the inevitable fruit of competition. It is not possible to have competition without competitors, and if there be competitors, one must prevail. Where a number of persons engaged in the manufacture of shoes, or cloth, or machinery, compete in a perfectly open field, and one succeeds in producing his commodity cheaper than the others, and offers it to the public at a lower price, he will always be the first to dispose of his product. While he can supply the demand no one will pay a higher price for the same article to another producer. He will therefore have a monopoly. He who sells cheapest must always dominate the market, for in economics the domination of the cheapest is the survival of the fittest. If the man who prevails in the competition is not allowed to enjoy the fruit of his victory, that is to say, the control of the market, he will not compete; nobody else will; and then there will be no competition whatever.

The competition of men in any department of human endeavor, if it be absolutely free, always develops excel-

lence. But excellence is monopoly. It would not be excellence if it were not. Surely you would not call that excellence which is shared by many. As the producer of the best commodity must dominate the market for his product, so will the possessor of conspicuous excellence dominate any other field of endeavor. At the bar the most capable lawyer obtains the best clients. In medicine the most skillful physician obtains the most desirable patients; in literature the best writer obtains the widest circulation; each dominates his calling and in that sense he is a monopoly. The leading orator always draws the largest audiences,—indeed, there is a gentleman here present who in this respect is an absolute monopoly, as many of us know to our cost who have attempted to divide public attention with him.

I am reminded by the presence of this gentleman—whose name has evoked this great demonstration, as indeed, it provokes enthusiasm everywhere—that his prominence is itself the direct result of free competition, and the most striking illustration of its essential tendency. Three years ago a convention met in this town, and as the great majority of delegates were strangers to each other, a few among them who had already attended many similar gatherings, hoped through their wider acquaintance to manage its proceedings and to control its conclusions. They succeeded in directing its preliminary stages, but differences over the platform led to a struggle so fierce that each side was compelled to call on its strongest champions. Factional exigencies thus threw the debate open to free competition, and a young man unknown to the majority, so outshone all rivals that in an instant he was lifted upon the shoulders of shouting, excited delegates into the absolute and unquestioned leadership of his party.

The views which he represented were not mine, but

without undertaking to discuss their soundness everybody must admit that the leadership most capable of expounding and maintaining them was developed from the open competition of that debate. While the convention was controlled by the management, as it was during its preliminary proceedings, that young man could not have been chosen a temporary officer. It was then a field of restricted competition in which prominence was to be achieved not by ability but by the favor of the leaders. When it became a field of free competition, its leadership passed to the man who had shown himself able beyond all others to voice its hopes and to defend its opinions.

Wherever free competition prevails, preëminence must be achieved as Mr. Bryan achieved it—by shining and conspicuous merit in that particular field. And the preëminence established by merit must be maintained by merit. The lawyer must establish eminence and maintain it by excellence in advocacy; the physician by skill in checking the ravages of disease; the orator by supporting his side of every public question, with the most persuasive arguments, clothed in the most attractive words, just as the successful producer must maintain his control of the market by affording the public at all times the best article at the lowest price.

If, however, prominence at the bar depend on the favor of the court, the leading lawyer will not be the man who excels in forensic ability, but the one who is most proficient in the base and servile arts of the courtier. If patients must be secured through social influences, the leading physician will not be the man who labors most assiduously in the laboratory or the hospital, but the one who cultivates most successfully the favor of the drawing-room; if the largest audiences must be secured through flattering the follies of the crowd, the leading orator will

not be the man who displays the most eloquence in defense of truth, but the one who shows the greatest aptitude for the wiles of the demagogue. If the control of the market depend on the favor of government, the successful manufacturer will not be the man who excels in production, but the one who excels in corruption.

The same enlightened sense of interest that impels us to defend monopoly based upon excellence, should lead us to overthrow monopoly based upon favor, because while free competition leads to the domination of the best, restricted competition develops the domination of the baser, if not of the basest.

It is objected, however, to the great industrial combinations which dominate the market through the cheapness of their products, that their success in serving the public operates to throw men out of employment. To this there are two answers. First, it is not true, and in the second place, if it were true, it would not be a sufficient reason for suppressing an industrial development of great benefit to the body of the community that it worked hardship to a few individuals. The man who says that any system of organization deprives him of employment because he cannot compete with it successfully, admits that somebody else can perform his job better than he can, and if that be so he should be ready to surrender it.

It has been said here by one gentleman that these combinations of capital have been so effective that thirty-five thousand commercial travelers are no longer necessary to the sale of commodities. We have no particular evidence that his statistics are accurate, and we must take his word for the statement that his single voice expressed the feelings of such a multitude. Suppose it to be true, must we hold back the car of progress until every human being can get aboard? If so we must diminish its speed from the rate of the lightning express

to that of the lumbering ox-wagon. It seems to me it would be cheaper for the community to pension middlemen directly from the treasury than to restrict the efficiency of the capable in deference to the lamentations of the incapable. I may add that until there is a prospect of a pension, I doubt very much whether we could find thirty-five thousand unemployed commercial travelers in the country. I know of nothing that prolongs life or multiplies a species so effectively as a pension or a prospect of a pension.

As a matter of fact, industrial organizations which increase production have never thrown anybody out of employment even for an hour, and, in the nature of things, they never can. Production has never been increased without increasing the number of hands engaged in it, and to increase the number of laborers cannot operate to throw anyone out of employment.

A period of industrial transition is always a period of apprehension, vociferously expressed but never realized. While the substitution of steam for hand labor was impending, loud lamentations were heard on all sides from laborers who believed that it meant their ruin. After it had been effected, nobody was found to be injured and everybody realized that he had been benefited.

While the application of machinery to manufacturing was in course of preparation and before it was completed, operatives of every description bemoaned their fate, believing the change would reduce them all to starvation. The cobbler in his cellar, the weaver in his back room, both believed that the scanty crusts on which they supported existence, would be filched from their mouths by this new force in production. Now the only way by which machinery displaced hand labor was by placing goods in greater abundance on the market, that is to say, at cheaper rates. But to make these goods human hands

were necessary, and no hands were so efficient as those which had already acquired familiarity with the articles to be manufactured. Hence the first person employed to operate the machine for making shoes was the cobbler who had dreaded its advent. The first to manage the steam loom was the weaver who had believed it would be the engine of his destruction. The cobbler was displaced from his cellar by himself, and the weaver from his back room by himself,—each was taken from miserable, fetid, degraded surroundings into a well-lighted, wholesome factory, where he earned better wages, and where in a short time he organized unions and demanded still better wages.

The stage coach drivers believed to a man that the establishment of railroads would deprive them all of occupation, but as a matter of fact, railroads from the first hour of their operation increased the demand for drivers. By the time the railroad had reached such a degree of efficiency as to preclude competition with the stage coach, the necessity of distributing the greatly increased traffic in passengers and merchandise from railroad stations had created a wider demand for drivers and horses than had ever been known before. It is quite true that occasionally a man who had been accustomed to drive a coach, with four horses thought there would be some loss of dignity in consenting to drive a less splendid but more useful vehicle drawn by one or two horses, even at better wages, but surely it would not be contended that the progress of the human race should have been blocked out of sympathy, not for the necessities, but for the vanity of an occasional stage coach driver.

And so I take leave to doubt the statement that thirty-five thousand commercial travelers have been reduced to idleness by increased efficiency in business management. The object of consolidating corporations must be to in-

crease sales. But an increase of sales involves an increase in salesmen, and as these commercial travelers are considered the best salesmen, they will be the first beneficiaries of the change. Of course, I speak of those who promptly seek employment under the new system, not of those who spend their days bemoaning discarded methods.

It has been said that competition is cruel, pitiless, and destructive. Our friend, the socialist, whose interesting address delivered this morning should make his name familiar throughout the country, declared that competition was warfare. Let me protest against that statement. Competition is not warfare in the sense of being destructive. Competition is the best method of ascertaining the place of greatest utility for each individual. Believe me, every man has special aptitude for some occupation. A man who is defeated in one field of competition is not excluded from the whole field of production, but he is transferred from a field of lesser to a field of greater efficiency. Competition prevents a misdirection of powers. A man qualified to be a farmer might wish to be a lawyer. Competition by depriving him of bread if he persisted in following a profession in which he would be useless, drives him to agriculture, where he enjoys greater chances for achieving prosperity and efficiency.

A few days ago, in the waters around New York, a number of boats competed for the honor of defending America's cup against the foreign challenger. In that competition the Columbia was successful. Did they break up the Defender as useless because another by outsailing her had excluded her from the international races? No, the Defender is retired from that particular field, but one of wider usefulness is open to her. She will cease to be a racing craft, but she will remain a swift and useful boat. She will join the Puritan, the Vigilant, and the other

vessels which formerly were champions, but which are now ministering to the pleasures and the necessities of men. This competition has not caused the destruction of any craft. It has assigned each to the field in which it will be most useful, while it has determined the one which in point of speed is best fitted to defend for our country the trophy she has held so long of supreme excellence in making ships and in sailing them.

Attempts to excel otherwise than by superiority are not competition, although that word is often used to describe them. If in that preliminary competition of boats which I have mentioned, one of them had undertaken to succeed by fouling, that is to say, by running into another, or if an industrial organization undertook to outstrip a rival by throwing obstacles in the access of its product to the market,—by imposing penalties on retail merchants who offered its goods to the public,—or by any means whatever except the superiority of its product,—it would not be engaged in a competition, but in a conspiracy to prevent competition.

If predominance—monopoly—call it what you will, resting on excellence be reprehensible, how are we to prevent it? The distance between excellence and mediocrity can be obliterated only by reducing the superior to the level of the inferior. The process cannot be reversed. It is impossible, by any device of legislation, to make the unskillful equal to the skillful man, but it is entirely possible for government to limit the efficiency of the skillful by hampering his industry. But if it be advisable to obliterate the difference between efficiency and inefficiency in material production, it must be equally advisable to obliterate distinctions between capacity and incapacity in other fields of human endeavor. If I must be prevented from obtaining a good suit of clothes from a large concern for forty dollars and forced to pay fifty

dollars for an inferior suit to a smaller but less efficient dealer merely to maintain him in business, why should a litigant be allowed to employ the best lawyer while a number of inferior lawyers are eager for the retainer and ready to give everything in return for it except equally good advice? Why should a sufferer be permitted to consult the leading physician while the neighborhood abounds with practitioners less skillful, but fully as virtuous, and who are ready to experiment on his system with greater enthusiasm, though probably with less success? Why should the leading orator be allowed to crowd the largest hall with delighted auditors, while hundreds of others equally patriotic are bursting with noble sentiments to which nobody will listen?

If the preëminence or monopoly of merit be reprehensible in itself, every attempt to establish it must be equally reprehensible. If it be wrong for a manufacturer to strive for control of the market by the superiority of his product, it must be equally wrong to contend for preëminence in the learned professions. Must the capable lawyer, then, sacrifice a certain number of cases deliberately,—that is to say,—betray a certain number of his clients,—lest he excel the incapable attorneys who lose cases through stupidity? Must the physician who possesses skill use it to destroy a few lives, lest he be more successful than others who destroy them through lack of skill? Must the leading orator reduce the splendor of his periods lest he outshine duller speakers? If we are to suppress monopoly resting on excellence we must begin by suppressing the excellence which establishes it, and this would be to arrest all human improvement.

Mr. Gompers said to-day that the movement of industry has steadily tended to a higher rate of wages, and I am glad to concur in that statement. The movement of wages is upward and must be upward under the immut-

able laws governing production. And now as to the effect of Trades Unions on industry. What I am about to say will sound strange to most of you. It may perhaps shock a great many who approved what I have said before, but with opinions an honest man must do one of two things—express them or change them. I can't change mine, so I must express them and explain them. Labor unions, in my judgment, have no direct effect whatever upon the rate of wages. I am aware that this proposition conflicts with an opinion which is almost universal, yet, I believe it will be justified by a very slight examination of economic laws. I do not mean by this to say that trades unions have not exercised a great, even a decisive, influence on social conditions. They are the most effective agencies yet discovered for facilitating the intercourse between employers and employees concerning the conditions of their common industry. The loyal discharge of this function helps to maintain industrial peace, upon which depends, in a large degree, the industrial efficiency through which this republic is destined to exercise a wider, a better, and a more lasting influence upon mankind than the great republic of antiquity. The rate of wages, however, does not depend on agreements between employers and employees or upon concessions by one to the other. It is fixed by two forces acting on each other; the competition of laborers for employment, operating to make wages lower, and the competition of capital for profit operating to make wages higher. It may seem strange to many, but it is nevertheless true that the competition of capital for profit is keener than the competition of laborers for employment, because it is easier and cheaper for capital to move from place to place in search of higher profit than for a laborer to seek a field of higher wages.

It would cost a laborer at least fifteen dollars to move

from Chicago to New York, but you can send millions of dollars from Chicago to Hong Kong for a postage stamp. It would take a laborer two days to go from here to Boston, but you can send any amount of capital to the other side of the globe in an instant by a cable dispatch. Moreover, capital has no family affections; it is indifferent to climate; all languages are alike to it. But the laborer has domestic ties deeply implanted in the fibers of his being which none but very powerful motives can induce him to disturb. It is doubtful if a difference of 15 per cent in the rate of wages would be enough to cause a movement of laborers from Chicago to New York, but a difference of an eighth of 1 per cent in the rate of interest would start capital all round the world.

The competition of capital for profit being keener than the competition of laborers for employment, the force which operates to advance wages is stronger than that which operates to lower them; the result is a steady rise in the rate of wages, and a steady fall in the rate of interest.

It is quite generally believed that there is an essential and irreconcilable conflict between employer and employee—that the laborer cannot increase his wages except by reducing the profit on capital, and that capital can increase its earnings only by decreasing the rate of wages. If the amount which human industry could produce were a fixed and immovable quantity, the theory that the share of the laborer could be increased only at the expense of the employer, and vice versa, would have some basis of justification. But the whole history of the world shows that the productive capacity of man is practically limitless. It has increased from day to day. It is greater now than it was a year ago. It is probably ten times greater at the close than it was at the beginning of this century. In the course of the next century it is likely

to grow beyond our capacity to conceive at this moment. Wages have never increased except as production has increased. An increase in wages is but the distribution of an increased production. A reduction of wages is the distribution of a diminished production. Employer and employee cannot prosper separately, or at the expense of each other. The prosperity of each flows from the same fountain. The rate of wages cannot be increased at the expense of capital, and the profits of capital cannot be swelled at the expense of wages, but the prosperity of both can be increased by an increase in the yield of human industry and the division of that increase between them.

We have been called to consider the effect on industry of combinations of labor as well as of capital, and yet little, if any, attention has been bestowed on the strike—that most dangerous form of civil war,—ever threatening industrial communities,—most threatening where prosperity is widest. The disasters of war have at least the compensation that those who suffer from them are brought together in bonds of closer union by the recollection of calamities which they have shared, and by the necessity of coöperating to repair them; but the strike leaves behind it no memories except those of hate and injury, leading to wider distrust, further recriminations and fresh disturbances. War arrays nations against each other, but it draws the people of each nation closer. The strike tends to resolve society into its original elements—each hostile to all others. It is more dangerous than foreign invasion or domestic insurrection, as the cancer which corrodes the vitals is more deadly than any injury to a single limb.

Compulsory arbitration has been suggested as a remedy for industrial disturbances. But compulsory arbitration is inconsistent with a condition of free labor. That man is not free who cannot decide freely whether

he will work or whether he won't, without any semblance of coercion. Arbitration to be effective must be binding on both sides. If the tribunal have power to fix a rate of wages, it must have the right to enforce obedience to its decree by the laborer as well as by the employer. To compel laborers to work upon any terms would be to reduce them to servitude. To compel an employer to pay higher wages than his business will permit would reduce him to bankruptcy, and deprive him of the power to pay any wages. I know of no means by which a court could determine the exact value of a laborer's product. Moreover, elaborate devices for the suppression of strikes are wholly unnecessary. Strikes must be prevented by removing the causes which produce them, and I think it can be demonstrated that strikes spring not from inherent and irreconcilable difficulties between employers and employees, but from a misconception of their true relations.

This misconception can be traced to the very general but none the less erroneous idea that employment involves the relation of master and servant. The word "service" has come down to us from the days of the old Roman Empire, when all labor was slave labor. The capacity of a mere word for mischief has no stronger illustration than the train of evil consequences which have flowed from the application of this word "service" to free labor. It has bred contempt in the employer for the employee, and distrust in the employee for the employer. We have seen that the one source of prosperity for employer and employee is the prosperity of the industry in which both are engaged. That being so, the relation between employer and employee is not one of service, but of partnership. The partners may be changed, but the partnership must continue while industry is active. The employer may discharge his laborers, that

is to say, he may change his partners, but he cannot prosecute his business unless he employs other laborers who at once become his partners. The partnership of all free men engaged in industry cannot be changed. It is fixed by laws as immutable as those which regulate the movements of the planets, or the course of the seasons.

If employers and employees realized that they were partners with common interests—as they are—it is impossible to believe that either could ever be led to interrupt the operations of the industry on which the prosperity of both depends. The gravest disturbances to industry have arisen, not from disputes about wages, but from the refusal of employers to discuss conditions of employment with agents selected by their employees, or, in other words, with labor unions. These refusals have been based on various pretexts, but I think they all sprang from the same source—a feeling on the part of the employer that there would be some abasement of dignity in treating a laborer not as a servant to be commanded but as a partner to be consulted.

Conceding for the sake of argument that the organization of unions or the appointment of walking delegates be unwise or unprofitable, the fact remains that the laborers insist upon dealing with their employers through these agencies. We have seen that the laws governing industry fix the rate of wages according to the value of the product. The employer must determine that value at the peril of bankruptcy,—or at least of loss. While he alone determines the rate of wages, what difference can it make to him whether he announces his conclusion to A or to B, to each workman separately, or to a labor union representing all his workmen?

If the employer and the employee could be induced to reason together, they could not quarrel. It is true that the demands of laborers are often unreasonable, but the

best way to defeat an unreasonable demand is to insist that it be formulated. The striker has but one weapon, and that is public opinion. If he be compelled to state his grievance before the public and his position be unreasonable, public opinion would be as quick to condemn him as it has been to support him when the attitude of his employer was believed to be unjust or intolerant. We hear much about the boycott. It may be a good weapon or it may be a bad one. It may be justifiable or it may be unjustifiable, but certain it is that a boycott depends absolutely on an overwhelming public opinion. A mere majority could not make it formidable. It is effective only when the whole population is practically unanimous in enforcing it. The day that industrial issues are discussed in public,—the workingmen compelled to define their demands and the employers forced to deal with these specific demands, excluding all collateral questions, strikes will become impossible and boycotts will be unknown.

I say that discussion will obviate strikes because it would be difficult to unite employees in an unjustifiable demand, and impossible to enlist public opinion in support of it. A laborer who demands more than the value of his product, is invading, not the rights of his employer, but the rights of all the other laborers—his unknown partners scattered all over the globe—who have contributed to the industry in which he is engaged. If one laborer gets more than his share of a product to which many have contributed, some other laborer must get less. If the man who finishes that chair obtains an undue proportion of the proceeds, the man who felled the trees in the forest, or who transported the materials or who furnished the tools, or the glue, must get less than his share, for there is nothing to divide between them except the proceeds of the chair. On a railway system everybody must

be paid from the earnings. If one gets more than his share somebody must get less. If the locomotive engineer is paid more than his fair proportion, the switch-tender, the brakeman, or the fireman, must get less than his share of the fund produced by them all. These principles are so plain that if expounded with frankness and good temper an attempt by any class of employees to obtain unwarrantably high wages would appear at once to be a raid not on the profits of the employer so much as on the wages of other laborers. A public discussion would make this plain and would enlist against them on the spot the unanimous opinion of the community. No laborer could make an effective appeal to force—either the active force of weapons or the passive force of the boycott—when the question between himself and his employer had been fully discussed with the entire community for a tribunal and an audience.

Let no man think that in what I say here I undertake to excuse violence under any circumstance. I believe that the laborer and his employer are partners, and that full and fair discussion of all questions between them is essential to the prosperity of the partnership. But if one of the partners undertake to become violent, I would be the first to condemn him, to restrain him, if necessary, to punish him. There is something more important than the success of any particular partnership, and that is the preservation of the public peace, on which depends the industry of the whole community.

Having said this, I hope I will not be misunderstood if I add that, in my judgment, whenever a strike occurs the master should be held responsible to public opinion. I don't say this because I believe workmen are always reasonable, always loyal, always obedient, or always industrious. I say it simply because the existence of a strike in any industry shows that the person in charge

of it is unable to manage men. This is not necessarily a reflection upon his moral character. His inability to manage his employees may proceed from the excellence of his moral qualities, but the fact remains that no man should be suffered to remain in control of laborers who is unable to manage them. This is but applying to the management of men the test now applied by all owners of industrial enterprises to the management of mules or horses. If a man engaged to drive a pair of mules repeatedly allowed his animals to become entangled with the wagon which they were harnessed to draw, do you suppose he would be maintained in his employment, however unimpeachable his moral character? Would he be heard for a moment to charge the failure of his industry upon the perversity of the mules? No; his employer, recognizing his sobriety, his truthfulness, his honesty, and his general excellence, would nevertheless replace him by some person, perhaps of inferior morality, but of greater dexterity in the handling of mules. And surely a test of capacity applied to the management of animals should be applied more rigidly to the management of men.

The person in charge of a great industry, like the captain on the bridge of a ship, should be held responsible for the safety of his charge no matter what the peril which may beset it.

When some years ago the *St. Paul* ran ashore on the New Jersey beach, a passenger undertook to console the captain by saying it was well understood that the accident was caused by a mistaken report of the officer in charge of the soundings, but that loyal seaman answered,

I am the captain of this ship. I am in control of every member of the crew, from the stoker in the hold to the lookout at the masthead, and responsible for all of them. I must alone bear the blame for this disaster.

So when a great industrial enterprise lies paralyzed through the quarrels of those whose coöperation is essential to its efficiency, the man in charge of it, the captain on the bridge, should not be allowed to divide his responsibility with any one; the collapse of his industry should be taken as conclusive proof that he is unable to manage it.

We have seen that compulsory arbitration is not a remedy which can be enforced in a free country. Can the state, then, do nothing to promote among employers and employees a proper conception of their relations, and prevent these industrial disturbances which by interrupting all production, work irreparable injury to them and to the whole community? Directly the state can do nothing, indirectly it can accomplish a great deal. In a free country where an enterprise is of a private character, whether conducted by individuals or corporations, the state cannot interfere with the management of its business. But where a corporation chartered to discharge public functions is forced to suspend its service by a strike of its employees, it is the right and it should be made the duty of the state to bring proceedings for the revocation of its charter, while every citizen inconvenienced by its breach of duty should be given a right of action against it for substantial damages.

Where, however, it could be shown that the corporation at all times had been ready to discuss with its employees through any agency which they thought proper to select, all questions at issue between them, that fact should be a complete defense to any actions by the state or by individuals. No matter what the subject of dispute might be, whether it were a question of wages, or hours, or any other question, so long as the corporation could show that it had been ready to discuss it fully with its employees directly or with anybody designated by them, it should be held blameless.

With such a law on the statute book discussions would be certain to precede hostilities between corporations exercising public franchises and their employees. For the reasons already stated this in itself would be sufficient to maintain industrial peace between them. The fear of strikes is a spectre which constantly haunts industry, causing capital to hesitate and enterprise to lag. Corporations exercising public franchises are the largest employers of labor. Any system of managing employees imposed on them which proved effective in avoiding labor disputes would be adopted voluntarily, aye, eagerly by private employers and the gravest danger to civilized society would be greatly reduced, if not wholly averted. This remedy would not be a radical innovation on our system of jurisprudence, but merely a provision for the better enforcement of fundamental principles. A distinguished judge in New York some years ago entertained an application for a mandamus against a railway company, the operation of whose system had been suspended by a strike among its freight handlers, and the principle on which he acted would justify such a law as I suggest.

These, then, are my suggestions for the cure of such evils as affect the body politic: equal rights to all men in the enjoyment of all facilities furnished by the government directly or by agencies of its selection; publicity of every detail in corporate management affecting the community; penalties for the interruption through strikes or other industrial disturbances of any public service which a corporation is chartered to perform, unless the corporation can show that it had always been ready to discuss matters in dispute with its employees through agents of their own selection.

These remedies are not ambitious plans for the reorganization of society, but merely suggestions to promote the industrial coöperation of men by a fuller recognition

of certain immutable and eternal laws governing the human race. It is said that the closer coöperation of man, tends to destroy individualism. Individualism is another of those phrases which appear to have been invented for the special purpose of bewildering the mind. It disguises an argument for barbarism under an expression with a humanitarian sound. Individualism in its last analysis is savagery. The savage depending on himself alone for his shelter and his food, treating all his fellows as foes to be shunned or killed, is the most complete instance of individualism conceivable. Individualism is isolation or savagery. Association or coöperation is civilization. The badge of savagery is the weapon of destruction by which the savage maintains his isolation. The badge of civilization is the implement of production by which each man enlists the coöperation of many men for the benefit of all. All civilized men are engaged in a great scheme of coöperation, in which the activity of every man's hands is of vital importance to all the rest.

Again, we are told that closer coöperation among men tends inevitably to socialism. This conference will not have been held in vain if it result in dispelling to some extent that fog of phrases which so often overhangs economic discussions, causing men to lose sight of the object which they have undertaken to consider. If socialism would result in a more abundant yield of the earth, I would be a socialist. I do not believe that in the present condition of the race a man would labor as zealously or as effectively for the common good as he does now for his own profit and therefore I believe socialism would restrict rather than promote the volume of production. The matter that concerns us is the system which best promotes the fruitfulness of industry, not the term in which that system may be described.

Socialism and individualism are features of our exist-

ence now. No one can attempt to gratify individual desires without serving society at large. Wherever a man labors to improve his own condition, he contributes to the welfare of the entire race. Can you or I do one thing for individual benefit without benefiting all our fellows? Can vanity indulge itself, can pride gratify itself, can appetite satisfy itself, without paying a tribute to the universal partnership in which we are all engaged? The man who builds a palace to gratify pride, must employ ten thousand hands in every quarter of the globe. The woman who buys a robe to indulge vanity, must employ hundreds of her fellow-creatures throughout the world. The miser, seeking to raise the rate of interest on his capital from 5 to 6 per cent must serve his fellows in doing so. There is but one way in which he can increase the profits of his capital, and that is by an increase of its productivity. If his capital be employed in making tables, more tables must be produced; if in building, more houses must be erected; if in agriculture, the area of tillage must be increased. In doing all these things more labor must be employed, and thus hundreds of dollars will be distributed in wages for every one that is gained by capital. Our pride, our hopes, our fears, our ambitions are but illusions which spur us to activity in the service of others,—traces that bind us to the car of human progress, making of all our activities forces to move it onward and upward.

The fair distribution of the commodities created by the coöperative industry of every man, is the problem of this age. I do not think it an insuperable or even a very difficult question. Its solution, in my judgment, will be found by recognizing in our industrial systems, the partnership of man as we have recognized in our political system, the brotherhood of man. This civilization which has created our marvelous prosperity, will defend it and main-

tain it. I have no sympathy with those timid souls who see in our splendid growing civilization a dizzy eminence from which the race is in constant peril of falling back into the darkness and ignorance from which it has risen. I prefer to regard man as a reasonable being, pursuing by the light of experience an ever-ascending pathway of progress, proving by what he has done, his capacity for greater deeds,—surveying from the heights which he has achieved, with courage, with determination, and with confidence, the still nobler heights which are accessible.

VI

In the Name of Liberty

NO person who has enjoyed the blessings of constitutional liberty can visit the sacred precincts of its cradle without imbibing new confidence in the people on whose virtues its rests. I am gratified beyond measure that I have been invited to contribute a feeble voice to the defence of those great principles of freedom and justice which inspired voices have proclaimed from this hall for more than a century.

Nobody can deny that the establishment of a colonial empire by this republic would work a radical change in our political institutions. Men may differ as to whether this change would be salutary or pernicious, but all agree that it will be a change,—an expansion as its supporters contend, leading through profitable conquest to glory-crowned heights; a perversion as its opponents believe, leading through profitless tyranny to hopeless ruin.

That this change cannot be effected without the direct approval of our whole citizenship is due not to any constitutional safeguards, but to providential interposition; not to any sensitiveness of the administration, but to the intervention of Heaven.

Had the people of the Philippine islands submitted quietly to be transferred like mercantile assets, the colonial empire would now be an established fact, and the policy known as American for a century would have been

abandoned completely and irrevocably. The American people might resent the subversion of their political system, but they would be powerless to prevent it.

The ancient Constitution might be a memory to cherish: it would no longer be a possession to defend. But the refusal of the Filipinos to ratify by peaceful delivery the sale of themselves, and the failure of the United States army to subdue their resistance, have frustrated all attempts to forestall the action of the people on this question of vital national concern. To his everlasting credit be it said, the American soldier has not proved as effective for the establishment of despotism as he has been irresistible in the defence of liberty.

The decision of this momentous issue is reserved for the ballot-box, and happily the course of events has operated to throw such a flood of light upon it that every voter can see just what it involves. Through the watchful favor of Providence, we have been shown the harvest before committing the seed to the ground.

Until very recently discussion of this new imperialist policy has been embarrassed and confused by the impenetrable obscurity which surrounded it. Its supporters refused to define it themselves, while they resented and repudiated every definition attempted by others.

While it remained an undefined policy, it was easy for its advocates to deceive, or at least to bewilder, the people by claiming for it all manner of extraordinary and inconsistent merits. Wherever there was a chance of obtaining a recruit, they sought to enlist him by appeals to his opinions or his passions. The avaricious were told that trade followed the flag,—in other words, that there was profit in governing weaker peoples by force.

The generous were informed that, though trade did not follow the flag, but always fled before disorder and discon-

tent, yet our duty to civilization required us to civilize inferior races at the point of the bayonet, even if it involved financial loss to ourselves.

The man of violence was shown to a place where he could indulge his propensities without fear of any restraining police, while the humanitarian was asked to believe that putting lead or steel into the body of a native was the true means of putting the love of peace into his soul.

The lovers of liberty and of the gospel were persuaded that our armies were fighting to establish free institutions and to spread the light of Christian morality at the very moment when our flag was unfurled over the harem and the slave-pen and a polygamous slave-driver added to the civil list of the United States.

If the humanitarian remained unconvinced the money-seeking adventurer and the minister of religion were relied upon to outvote him, and if either of these proved intractable the other two were expected to overcome his opposition.

Imperialism has always been a form of piracy, but piratical craft seldom display their true colors while in sight of civilization. This imperialism of ours, while it remained under examination by the American people, tried to assume every appearance of an expedition for the conversion of sinners. The crew used the language of the hymnal, although the stridency of their voices suggested the boarding-gang rather than the choir. They concealed purposes of plunder under the profession of religion—a few of whose missionaries they had decoyed on board. When the younger and more impatient showed a disposition to cast off disguise and to appear in the usual equipment of their calling, more experienced hands were quick to check the impulse and restore the garment of morality to their shoulders.

When, for instance, one of them, holding aloft a nugget of gold obtained in the Philippines, told of more treasure where that came from, and declared in the natural language of the tribe that it might easily be seized by men stronger than the feeble owners, he was rebuked by a wiser and more effective member of the band, who protested that, while such material things as nuggets of gold would be accepted with resignation, the true purpose of the expedition was the welfare of the natives—an object so deeply cherished that even if they had inhabited a Sahara instead of fertile islands, they would still be the objects of benevolent bullets.

The imperious exigencies of trade have compelled the reduction of all these pompous and misleading phrases to practical proposals of legislation. The bill before Congress to fix the conditions governing our commercial intercourse with Porto Rico has acted as an attempt to divide the plunder before the cruise began. The result was inevitable, and would probably have been foreseen if Providence in its wisdom did not sometimes choose to protect the rights of honest men by the quarrels of—well, of other men.

The protected interests and the political interests have come to blows. The unctuous phrases with which the President very probably deceived himself when he undertook to pervert a war of humanity into a war of conquest, are flung back in his face by mutinous followers. The purpose is no longer concealed to govern these territories, not for the welfare of their inhabitants, but primarily for our own profit. Love of humanity is scattered to the winds, and thirst for gain acknowledged to be the controlling motive. The flag of civilization is torn down, the Jolly Roger floats triumphantly on the breeze. The missionary is trampled under foot, while the buccaneers dispute. The fat is in the fire, and by the light of the flame

we can see plainly what a hell-broth it is that these imperialists are brewing.

We can now examine imperialism, not as its opponents describe it, but as its friends present it. And remember this is not imperialism at its worst, but imperialism at its best—not imperialism successful, secure, but imperialism still seeking for popular favor, and therefore clothed in the least repulsive garb which the ingenuity of its supporters can design.

The illuminating feature of this measure is the proposal to impose discriminating duties on commodities produced in Porto Rico seeking access to the markets of this country, and—a necessary consequence of this proposal—the assertion that territories of the United States can be governed independently of the Constitution.

It may be that this particular attempt to impose discriminating duties against Porto Rican products will be abandoned. Public indignation may revive the President's original notions of "plain duty." It may replace the War Department in full harmony with the "highest dictates of honor and prudence," restore the chairman of the Ways and Means Committee to his better bill and his better self.

But whatever the fate of this measure, nothing can now obscure the principle on which it is drawn. Whatever course may be adopted toward Porto Rico, there is no doubt that if the Philippine islands be held as United States territory an attempt will be made to enforce a protective policy against them, notwithstanding the plain provisions of the Constitution.

Protection in the sense proposed by this bill is vastly different from the protective system with which we have been familiar in this country. Protection between independent countries has inherent limitations which prevent it from degenerating into absolute barbarism. Protection

between a governing country and its dependencies has no limitations except the forbearance of those who expect to profit by the discrimination. It is hardly conceivable that industries which demanded any advantage would be satisfied with anything less than the utmost advantage which a discriminative and partial government could confer.

Between independent countries the only form which protection can take is the imposition of discriminating duties at the custom-house. Protection by taxation, however, gives advantage only in our own markets. In foreign markets it leaves us exposed to competition with all other countries.

If the protectionist doesn't attempt to gain artificial advantages over competitors in foreign markets, it is not because he wouldn't like to do so, but because he knows the attempt would be fruitless. On the principle of this bill, however, our Territories are not within the protection of the Constitution, and the power of Congress over their trade is unlimited. It can prevent their inhabitants from competing with us in foreign as well as domestic markets, by simply prohibiting them from engaging in any form of competing industry.

This is the invariable and inevitable result of establishing a protective system against subject or dependent territories.

If our products are entitled to an advantage over those of the Philippines or Porto Rico in our own markets they are entitled to the same advantage in other markets if we have the power to create such advantages.

If tobacco produced in the Philippines should not be allowed to compete with our own domestic tobacco in these markets on even terms, why should equal competition between them be permitted in other markets if we can prevent it?

If the producers of the United States are entitled to

any protection they are entitled to the most complete protection in the power of the government to bestow, and since protection by taxation is but partial and local, while protection by prohibition can be made absolute and universal, it is the duty of Congress to prohibit absolutely in our dependencies the production of any commodities that might compete with our own products in foreign or domestic markets.

There is no principle of free government, which this legislation does not violate. For a parallel to it we would search Christendom in vain to-day. To find a precedent for it we must turn our faces from the light of the twentieth to the gloom of the eighteenth century.

It is the system which England tried to establish in this country, and which she succeeded in establishing in Ireland, when, to gratify English producers, she forbade the Irish people to engage in the manufacture of cloth, prohibited the exportation of cattle and horses from Ireland to England, and destroyed the rapidly growing Irish shipping trade by exempting Ireland from the operation of the navigation laws.

It is the same system which raised these colonies in successful revolt against her, and arrayed the Irish people in bitter hostility to her.

It is the system which she was compelled to abandon at the beginning of this century from a sense of self-preservation.

It is the system which has blighted the progress of civilization wherever it has been enforced, and ruined irretrievably the country applying it. It is the system on which Spain always administered her colonies, and which corrupted her government, degraded her people, undermined her power, and shattered her empire.

It is a tragedy of history that such a system should be proposed to the American Congress. The contribution of

the United States to the civilization of the world is the principle that the only proper basis and justification of government is the consent of the governed, or, in other words, the welfare of the governed; for it is not conceivable that man would consent to anything which operated to his own injury.

In this country government has always been regarded as a duty, in other countries as a privilege; here as a trust to be discharged, elsewhere as an opportunity to be exploited. The American conception of government has been embodied in a Constitution which was intended to create no power that could be used for the oppression of the individual, and to omit none necessary for his protection.

Government on the principle revealed by this measure is government not for the protection of the governed, but for the profit of the governing power. This is necessarily government for plunder. As it would be impossible to put a government of oppression into operation under institutions of justice, the very first step of the imperialists is an attempt to overthrow the Constitution which it is the duty of every American to defend; and now these assailants of the Constitution stigmatize its defenders as traitors to it. This is entirely natural.

In the argot of crime the significance of words is usually reversed. Among thieves the honest man is not he who prevents a theft, but he who aids it. It is natural that imperialists, confessedly trying to narrow the authority of the Constitution, should regard the men who seek to extend it as traitors. For myself, I would rather be a traitor with Edmunds and Boutwell, and Reed and Sherman and Hoar, than a patriot with Hanna or Lodge or McKinley.

It perhaps would be a waste of time to discuss the moral aspects of this policy with anybody capable of

supporting it, but examining it even in the light of naked self-interest I venture to say that it will not pay. It will not pay politically, it will not pay financially, it will not pay in glory, and it will not pay in profit.

The administration of government cannot be profitable unless it be dishonest. If more revenue be exacted from a people than is returned to them in some form of service, the excess is tribute. If history teaches any one lesson, it is that tribute has always proved vastly more pernicious to the country exacting it than to the country paying it. The moral law which binds nations does not differ from the moral law which binds men. Individual experience shows that in commerce nothing is so stupid as dishonesty. History shows that in nations nothing is so stupid as pillage.

It is often asked why has Spain decayed, why has she sunk from great prosperity and power to decrepitude and poverty? As a matter of fact, since the discovery of America Spain never enjoyed a real prosperity, because such wealth as she obtained came not from the successful cultivation of her own soil, or from the intelligent development of her own commerce, but from tribute levied upon other countries.

The country levying tribute is among nations what the highwayman is among individuals, except that the highwayman pays virtue the homage of concealing his operations, while the robber nation pursues its iniquities with a cynical contempt for the opinions of mankind. The highwayman who steals a purse enjoys riotous license while its contents last, but when they are exhausted his only prospect of escape from misery lies in opportunities for fresh plunder, and these are always limited.

Spain, despoiling her colonial possessions, enjoyed a fictitious prosperity while there were countries possessing riches to seize, but when the number of these was ex-

hausted, her people, taught to despise the slow fruits of industry by the dazzling prizes of piracy, were incapable of producing wealth by labor; and, the streams of revenue from spoliation exhausted, abject misery settled upon the country.

The land, which in the hands of the Moors, who for many centuries had attempted no foreign conquest, was the richest in the world, in the hands of the Spaniards, establishing colonial empires, became one of the poorest. Spain to-day has the same natural resources that it possessed when it led the world in intellectual and material prosperity. It has the same soil which eight centuries ago yielded wealth in such abundance that its citizens were housed in palaces of surpassing beauty, while in the rest of Europe kings were sheltered in hovels.

We still stand enraptured before the stately, graceful columns, the marvelous mosaics, the exquisite carvings, delicate as lace on a woman's throat, all silent monuments of a departed glory. In cities where formerly dwelt prosperous communities, counted by hundreds of thousands, dwindling populations of a few thousands now walk in hopeless poverty over grass-grown streets. Gone is the leather industry of Cordova. The steel blades of Toledo no longer fix the standard of excellence for the world or even sustain its competition. The deserted halls of the Alhambra still look over to the Albacete, occupied in other days by the dwellings of two hundred thousand busy and skilful artificers, now absolutely deserted except by a few gypsies, burrowing like rabbits in the ground. The very water which the degenerate, tribute-poisoned Spaniard drinks to-day flows through aqueducts constructed by Moorish skill and capital.

The country which, while its people devoted all their energies to the cultivation of their own soil, rose to primacy among nations, which showed Europe the path

from ignorance to learning, from barbarism to civilization, from wasteful disorder to profitable industry, lost its preëminence and its prosperity, not because it was forced to pay tribute, but because it stooped to exact tribute.

The system which ruined Spain is the system on which the administration now seeks to embark this country. Its adoption by the United States would be an infinitely greater calamity than its maintenance by Spain, because it would be to substitute a vigorous for a decrepit agency of barbarism. Spain knew no other system. She had inherited it from the dark ages, and was tied to it by all her history. We are asked to sin against the light of our own experience, to cast over our stainless success, achieved by scrupulous regard for the rights of others and indomitable defense of our own, the sinister shadow of mediæval conquest. We who have been the destroyers of oppression are asked now to become its agents. We who have been the successful builders of freedom are asked now to become the eager architects of tyranny.

The pretext that imperialism is justified by the example of Jefferson is a manifestation of impenetrable ignorance or of cynical audacity. The charge that Jefferson violated, in the acquisition of Louisiana, the principles embodied in the Declaration of Independence, is false, but comprehensible. The offender against morals always finds it easier to impugn the motives of others than to justify his own conduct. If the charge were true it would not prove that the Declaration is unsound. The soundness of a principle is not to be tested by the fidelity to it of its formulator. As matter of fact, the charge is wholly untrue. Misrepresentation has been so persistent on the subject that it may be well to describe the essential features of that momentous transaction.

In the first place, let me say that the acquisition of

Louisiana did not originate with Jefferson. He did not even suggest it; nor was it acquired in pursuance of any scheme of expansion, but in self-defence. During his administration, from causes over which he had no control, and which there is every reason to believe he deeply regretted, it became with the United States a question of securing New Orleans or losing all right to the navigation of the Mississippi.

When the independence of this country was acknowledged, its western boundary was the centre of the Mississippi river, and its southern boundary was the thirty-first parallel of north latitude. This parallel is the northern boundary of West Florida, and that part of Louisiana lying east of the Mississippi. South of this parallel lies the island of Orleans and the mouth of the Mississippi, with the territory on both banks of the river.

The Floridas and Louisiana were all Spanish possessions. A glance at the map will show that while this boundary existed, the United States had no direct access to the sea on the south. As far back as the Revolutionary war this country had been negotiating with Spain for the right of navigation through the Mississippi river to the Gulf of Mexico. It is impossible to trace these negotiations prior to the establishment of the Union and the organization of the present Department of State.

A speech delivered by James Monroe in 1788 before the convention of Virginia, when the Constitution of the United States was before that body for ratification, gives an account of various attempts which had been made to reach a conclusion, and which were defeated by the reluctance of the Spanish court to grant full and unrestricted rights of navigation to the United States, and by the refusal of the United States to accept anything less.

Finally, in 1795, a treaty of friendship, limits and navigation was entered into between this government and the

government of Spain, the fourth article of which contains this provision:

And his Catholic majesty likewise agreed that the navigation of the said river, in its whole breadth, from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other powers by special convention.

The 22d article of the treaty provides:

In consequence of the stipulations contained in the fourth article, his Catholic majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandise and effects in the port of New Orleans, and to export therefrom thence without paying any other duty than a fair price for the hire of the stores. And his majesty promises either to continue this permission if he finds during that time that it is not prejudicial to the interests of Spain: or, if he should not agree to continue it there, he will assign to them, on another part of the lands of the Mississippi, an equivalent establishment.

In the year 1802 the right of deposit guaranteed by this last article was summarily revoked on the pretence that the three years for which it had been granted in New Orleans had expired, and the Spanish king had made no order assigning another place. Louisiana had been ceded back to France by Spain in 1800, but this government had not been notified of it. Spanish officers were still in control of the territory, and although the fact of the cession was a matter of common report here, there was no knowledge of its terms. The action of the Spanish officers evoked general resentment in the United States. The people were unanimous in demanding that the right be vindicated, and equally unanimous in declar-

ing that the only effective vindication was the acquisition of New Orleans.

The point of division between the administration and its opponents was the method by which that acquisition should be accomplished—the opposition clamoring for forcible seizure, Mr. Jefferson insisting upon a delay of force until peaceful negotiation had been exhausted. The nature of the conflict between the supporters and the opponents of the President is shown by the resolutions offered in the Senate. Mr. Ross, a senator of Pennsylvania, on February 14 offered a series of resolutions, which, after reciting:

That the United States have an indisputable right to the free navigation of the river Mississippi, and to a convenient place of deposit for their produce and merchandise in the island of New Orleans, and

That the late infraction of such their unquestionable right is an aggression hostile to their honor and interest,

went on to provide:

That the President be authorized to take immediate possession of such place or places in the said island, or the adjacent territories, as he may deem fit and convenient for the purposes aforesaid; and to adopt such other measures for obtaining that complete security as to him in his wisdom shall seem meet.

They concluded by authorizing the calling out of the militia in certain States and appropriating \$5,000,000 to carry the resolutions into effect.

Breckinridge, of Kentucky, a supporter of the administration, offered as a substitute, resolutions leaving a discretion with the President. They provided:

That the President of the United States be and he is hereby authorized, whenever he shall judge it expedient, to require

of the executives of the several States to take effectual measures to organize, arm, and equip, according to law, and hold in readiness to march at a moment's warning, 80,000 effective militia, officers included.

Resolved, That the President may, if he judges it expedient, authorize executives of the several States to accept as part of the detachment aforesaid any corps of volunteers, who shall continue in service for such time, not exceeding—— months, and perform such service as shall be prescribed by law.

The motion to substitute the resolutions of Breckinridge for those offered by Ross was carried by a vote of 15 to 11, but when the motion recurred on the adoption of the substitute, they were carried without a dissenting voice. It will thus be seen that on the question of acquiring the island of Orleans at all hazards there was absolute unanimity. Division of opinion was limited to the propriety of granting the President a discretion as to the methods which should be employed for enforcing the national purpose.

On the 11th of January, 1803, the President sent a communication to the Senate in executive session, nominating as commissioners to treat with the French consul Robert R. Livingston as special minister plenipotentiary, and James Monroe as minister extraordinary and plenipotentiary. There being some doubt as to which country held title to the territory, he, in the same communication, nominated Charles Pinckney to be minister plenipotentiary and James Monroe, of Virginia, to be minister extraordinary and plenipotentiary to the Court of Spain,

for the purpose of more effectively securing our rights and interests in the river Mississippi and in the territories eastward thereof.

In the meantime the President sent a confidential communication to the House setting forth his purpose to enter

into negotiations for the acquisition of New Orleans, and requested the passage of a measure which, while nominally appropriating money for the diplomatic intercourse of the United States, should be understood as empowering him to acquire this territory by purchase.

In pursuance of the President's suggestion, on January 12 this resolution was reported to the House from the Committee of the Whole:

Resolved, That a sum of \$2,000,000, in addition to the provision heretofore made, be appropriated to defray any expenses which may be incurred in relation to the intercourse between the United States and foreign nations, to be paid out of any money that may be in the treasury, not otherwise appropriated, and to be applied under the direction of the President of the United States, who, if necessary, is hereby authorized to borrow the whole or any part thereof; an account whereof as soon as may be shall be laid before Congress.

It was accompanied by a report which set forth that the free and unmolested navigation of the river Mississippi is a right which the general government has been endeavoring to establish since the peace of 1783, by which our independence as a nation was acknowledged. After describing the importance of the free navigation of the river, the disputes and difficulties that had arisen over it, the necessity of obtaining possession of the mouth of the river and the territory on both banks, as well as of both Floridas in order to secure it, the resolution admitted that the question might lead to war, and expressed a readiness to face that difficulty, if necessary, though not without first employing all peaceful means to avoid it.

The resolution was adopted and sent over to the Senate by a special committee, where it was considered in secret session and passed on February 22. Thus was the

as Jefferson established it. Expansion, as Jefferson inaugurated it and as Democrats believe in it, is the expansion of our Constitution through the expansion of our territory. The extension of our government—our constitutional government—all over this continent would be of measureless benefit to all the people of it and to the whole human race.

Imperialism is not the spread of our constitutional system, but the restriction of it. It is the establishment and administration in distant countries by this government of another government totally distinct from our constitutional republic, and utterly repugnant to it. Between the civilizing expansion of Jefferson and the brutal imperialism of McKinley there is a difference wide as the difference between the men.

While opinion in Congress and the country was unanimous in demanding the acquisition of Orleans and the mouth of the Mississippi, yet some opposition developed to that feature of the treaty as actually negotiated which provided for the purchase of the remainder of the Territory of Louisiana. That it might be quoted as a precedent for the annexation of distant lands and alien peoples was an objection advanced by the opponents of the purchase and scouted by its supporters. I read a few lines from Breckinridge's speech during the debate for the appropriation of money to complete the Louisiana purchase:

Could we not, says the same gentleman (Tracy, of Connecticut), incorporate in the Union some foreign nation containing 10,000,000 of inhabitants—Africa, for instance—and thereby destroy our government? Certainly the thing would be possible if Congress would do it, and the people consent to it; but it is supposing so extreme a case and is so barely possible, that it does not merit serious refutation. It is also possible and equally probable that republicanism itself may one day

or other become unfashionable (for I believe it is not without its enemies), and that the people of America may call for a king.

These lines are an inverted prophecy. We have gone farther than Africa for our 10,000,000 of alien people. Africa is but 3,000 miles, the Philippines are 10,000 miles away. The danger which was then derided as imaginary, as too wildly improbable for argument, is to-day the crucial issue of an impending presidential election. The administration is actually seeking to fasten upon the country a policy which a hundred years ago was considered as improbable as that the American people would seek to establish a kingship to govern them.

If this imperialistic policy be adopted a kingship will not be the worst, but the best, fruit that it is likely to bear. For this government to exercise power over any body independently of the Constitution is to establish a system capable of becoming the most absolute despotism conceivable. Unless the limitations of the Constitution apply to all officers of this government wherever they may be, there are no limitations on them whatever. Civilized society has never seen a government without some limitations, theoretical or practical. Limitations may be purely moral, incapable of enforcement, easily evaded, but they are limitations at least in theory. A king may be able to violate his coronation oath with impunity, but in taking it he acknowledges an obligation to respect the promises that it embodies.

Obedience and protection are mutual obligations, none the less reciprocal because one can be enforced, and the other is beyond control. But in the administration plan of government for these islands there is neither limitation nor obligation. These subjects will not even be protected by the oath of their ruler. The only oath taken

by the President or any other officer of the United States is an oath to support the Constitution. But in these territories he will be bound not to support, but to exclude the Constitution.

Hitherto it has been supposed that this government had no inherent power to exercise, and, indeed, no inherent right to exist,—that all it was or could do depended on the Constitution. Now it is claimed that the government which its framers organized so that it would not have the power to restrain a single individual, except under well-defined and strictly limited conditions, can exercise absolute and limitless power without restriction or responsibility over millions of human beings.

When the President undertakes to govern without the sanction of the Constitution, he governs without a shadow of moral right. His authority would depend purely on force, and an authority resting on force must be maintained by force. His authority would be measured by the strength of the army. But his control of the army depends upon the Constitution. If the Constitution does not apply to these islands, then he has no right to issue a single order to the officer commanding the forces there. If the Constitution gets into the islands at all it must get there entire. If its powers can be invoked its limitations must be obeyed.

It is plain that a President ruling independently of the Constitution rules not by any rightful authority over the army, but by the grace of the army. Here we have Roman imperialism in its worst form. I must apologize to Roman imperialism. Under that system there was, at least, a semblance of regard for constitutional forms. Indeed, the lower the substantial authority of the Senate sank, the more respect was paid to its ceremonies. Under the system proposed for our territories there is neither pretence of moral authority nor representative formality.

If such a government be not imperialistic, what is it? It certainly is not a constitutional government, since its very essence is a denial that the Constitution applies to it. A government without limitation, resting purely on force, is imperialism and nothing else, whether its head be called a consul, an emperor, or a president.

Imperialism and republicanism are essentially hostile. The same government cannot be autocratic and representative. Two such hostile principles cannot dwell in the same system. One must inevitably seek to destroy the other. The imperialist professes to believe that this government can be administered by an executive whose right hand is imperial and whose left hand is constitutional—who is a military autocrat in one place and a republican magistrate in another. It is supposed, of course, that the imperial powers will be exercised abroad and the constitutional powers at home, but the only separation between these powers is a constitutional prohibition. The mere proposal to establish such a system shows the value of a paper prohibition.

There is no doubt that the President has the power to quarter the army of the United States anywhere within the limits of the United States. The President and his army together constitute the autocracy. All the elements of autocracy could, therefore, be established in the United States without offending against any statute. True, we might still cherish the hope that they would not be put into operation, say to disperse a recalcitrant Congress, bent upon the traitorous purpose of impeaching a president for excessive zeal in enforcing or, perhaps, extending the new form of government. But hopes are a treacherous foundation for political necessity. Whatever use might be made of these new executive powers, certain it is that we would have within the territorial limits of the republic the entire imperial outfit, and that, I

think, is more than any republic has ever been able to digest.

The demand that our army be increased to 100,000 men is the first palpable fruit of imperialism. Why are 100,000 men wanted? Because, forsooth, we have become a world power. There is no argument for raising an army of 100,000 men that will not apply with double force to a military establishment of 500,000 men. If we are to be a world power America wants to be the very first. To raise 100,000 men we have to throw away our traditions. That being done, to raise 500,000 men it will be necessary merely to modify our sense of proportion.

We have been told that after we have acquired these islands and established a standing army over them, they will all be happy. Well, they may be. An imperial system might result in benefit to those islanders. I won't dispute that, but I do insist that it would be absolutely ruinous to this country, and it is in defence of this country that I speak to-night.

It has been asked what have you anti-imperialists to propose? I answer it is not for us to propose while McKinley alone has the right to dispose. But I will venture to say that whatever may be the outcome of this crisis it will be the very best solution of which human virtue is capable. I know that the imperialistic policy is the very worst that could be suggested, and therefore I am confident it will be rejected. I can prophesy what will not happen, from the whole history of the American people. I cannot prophesy what will happen, because they have always surpassed the expectations of the wisest in the splendor of their actual achievements.

Whoever is doubtful about the future let him recall the close of the Civil War. Who could have foretold at that time the pacification which has ensued—the reunion so complete that to-day, if our flag was assailed no hearts

would beat more quickly in loyal affection, no swords would leap faster from their scabbards to defend it, than the hearts and swords of those heroes who, vanquished by the Union armies, would have been invincible against any meaner foe?

At the close of the war the policy which was ultimately adopted had never been suggested or even foreseen by anybody. No man moved by the passions of that period could have conceived the policy of magnanimity which has since become the glorious history of the United States. The most moderate northern newspapers assumed as matter of course that restrictive precautions would be taken against any revival of secession or attempts to disrupt the Union, while the party organs were unanimous and vociferous in urging the adoption of punitive measures disguised under demand for compensation or reparation. The songs of the street celebrated a purpose to hang Jeff Davis on a sour apple-tree at the earliest moment. Andrew Johnson declared that treason must be made odious, which meant that it would be advisable to hang a few Confederates as soon as the rebellion was so far suppressed that reprisals would be impracticable.

But when Grant prescribed for Lee the most liberal terms ever offered in the history of internecine conflicts, he fixed quite unconsciously the whole policy of reconstruction. Those terms were prescribed not through obedience to any party caucus, nor regard for party success. They embodied the highest wisdom, because they were conceived in the most exalted justice. For that reason they were accepted by the American people as the expression of their conscience, and imposed upon politicians and upon newspapers, upon legislatures and executive officers, as the final policy of pacification. It proved to be a policy of infinite healing in this country, and of infinite value to the world. It was the first attempt in the experience of

mankind to compose civil strife by pardon instead of by punishment. It forms the proudest page in the history of the United States, for pacification by pardon was instantaneous and complete, while pacification by punishment had always bred new grievances and disturbances prolonged through centuries of discontent. We can little appreciate the statesmanship which converted the assault on the Union into a bond which makes it indissoluble forever,—indeed, we must have read to little purpose the whole history of the United States,—if we can doubt that this question will be settled by the American people wisely, that is to say, justly, for justice is the highest form of wisdom.

To profess faith in the stability of this republic is to profess faith in human progress. If this government is to abandon the traditional American policy of peace and justice for a mediæval policy of conquest and violence, the very existence of Christian civilization is imperilled.

As the cross is the emblem of the truth on which Christianity is founded, so is the flag of our country the emblem of the fruit which Christianity has borne.

Shall that flag be unfurled over the polygamy, and slavery, the nameless crimes and unspeakable infamies of the East? Shall that flag, unstained and unstainable, become the emblem of a slave-holding, oriental Sultan? Shall it be the emblem of autocracy in any form? Better ten thousand times that this government had never been established—better that this continent had never been discovered; better that the savage still held its fertile fields as untilled hunting-ground than that the experiment of a government founded on justice and freedom once tried should prove a failure.

When the Declaration of Independence is mocked and derided, when a political party proposes to divorce the American flag from the American Constitution and to

clothe a Republican magistrate with autocratic powers, an issue is presented which involves the subversion or the maintenance of free government.

This is an issue which overshadows all other issues, not merely in this campaign, but all the issues of all the campaigns in all the history of this country. It is an issue old as the contest for human rights. It is a renewal of the irrepressible conflict between justice, which is freedom, and injustice, which is tyranny; between Christian civilization, based on respect for the rights of the weak as well as of the strong, and the baser civilizations which, ignoring the moral law, acknowledge no restraint but the coward fear of force; between the constitutional republic established by the election of Jefferson in 1800 and the corrupt and corrupting empire which will be erected upon its ruins by the election of McKinley in 1900.

In these hallowed precincts it is impossible to doubt that this attempt to subvert the institutions of freedom will fail, as all others have failed. This government shall continue to stand for the defence of human rights in this country and respect for human rights elsewhere. No administration and no party shall establish a new infamy under the shadow of Old Glory. The flag which typifies freedom, and the Constitution which protects it shall never be divorced. Inseparable, indestructible, and invincible they shall ever remain the priceless heritage of the American people, the hope and the inspiration of all mankind.

VII

John Marshall: the Tribute of a Century

IF there be any one capable of disputing that, aside from the establishment of Christianity, the foundation of this republic was the most memorable event in the history of man, we would not be apt to seek him at this board or to find him in this country. And if the foundation of this government be the most momentous human achievement of all the centuries, then clearly the appointment of John Marshall to the Chief Justiceship of the United States was the first event of the last century no less in the magnitude of its importance than in the order of its occurrence.

To the judicial career whose initial stage we celebrate, this country mainly owes its independent judiciary—the unique feature of our political system—the distinctive contribution of American democracy to the civilization of the world—the vital principle of constitutional freedom—on which depend the strength which this government possesses, the fruit which it has borne, the cloudless prospect which it enjoys.

It is certainly beyond dispute that this government which is the freest is also the most stable in the world. During the period of its existence what changes have swept over the earth, what upheavals have convulsed society; what dynasties have been established and overthrown; what empires have risen and fallen; what political enterprises have been undertaken and aban-

doned; what constitutions framed in high hopes have perished in disappointment and confusion! It has seen the Whig oligarchy which ruled England for a century and a half give place to a republic preserving the outward form of monarchy only, to veil the democratic character of its evolution. It has seen the king who aided these colonies to achieve their liberty immolated on the scaffold in the name of liberty, and France after staggering through anarchy to military despotism sink back into monarchy; and after again overturning thrones and stumbling once more into imperialism, while groping towards republicanism, engage in a third attempt to establish some form of constitutional freedom.

It has seen Prussia rise from the ashes of defeat and humiliation, and after humbling the pride of the Hapsburgs, assume the military primacy of Europe when her king, raised to imperial dignity on the bucklers of his triumphant soldiery, proclaimed a new empire of Germany in the conquered halls of Louis the Magnificent. It has seen the Republic of Venice perish in its age and decay; the German principalities disappear from the banks of the Rhine; the ancient city of Leo and of Gregory become the capital of a new kingdom, and Spain begin to recover in the cultivation of her own lands the prosperity which she sacrificed in attempts to conquer other lands. It has seen the veil of darkness and ignorance rent in the East. As I speak, it sees the forces of Western civilization standing in the battered gateways of Far Cathay. And through all these changes, convulsions, revolutions, this republic stands to-day, as it went into operation one hundred and twelve years ago, unchanged in any of its essential features, except that its foundations have sunk deeper in the affections of the people whose security it has maintained, whose prosperity it has promoted, whose condition it has blessed.

To what must we attribute this stability which has maintained our Government unmoved, and apparently immovable on solid foundations amid the upheavals which have engulfed ancient systems? It is not explained by the lofty purpose which animated its founders, because other governments conceived in equally high aspirations have perished at the first attempt to put them in practical operation. It is not because it rests on a written constitution, for the pathway of man is strewn with the wrecks of constitutional experiments. It is not because our constitution declares certain elementary rights of man to be inviolable. Its provisions in this respect were modelled on existing institutions. Their very language was not original. In terms as well as in substance they were borrowed from other charters of liberty. The French Constitution of 1793 and the Declaration of the rights of man, which was made a part of it, contained even more elaborate provisions for the safety of the individual. But while the French constitution was munificent in its promises of privileges to the citizens, the means which it adopted to secure them were inadequate and indeed puerile. You remember how that remarkable document sought to enforce its provisions by directing the constitution to be "written upon tablets and placed in the midst of the legislative body and in public places," that in the language of the Declaration,

the people may always have before its eyes the fundamental pillars of its liberty and strength, and the authorities the standard of their duties, and the legislator the object of his problem.

The constitution was placed "under the guarantee of all the virtues," and the Declaration concluded by solemnly enacting that

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resistance to oppression is the inference from the other rights of man. It is oppression of the whole society if but one of its members be oppressed. When government violates the rights of the people, insurrection of the people and of every single part of it is the most sacred of its rights and the highest of its duties.

The framers of that constitution made the fatal mistake of assuming that to declare certain privileges the right of the citizen was equivalent to placing them in his possession. In practical operation, however, it was soon found that the sacred right of insurrection was too unwieldy a weapon to be wielded by a single arm. "All the virtues" proved but indifferent guardians for a constitution assailed by all the passions. A mob thirsting for the blood of a victim did not pause to read the measure of his rights on tablets, however legibly inscribed or conspicuously posted. The legislator menaced by an infuriated populace did not hesitate to seek his own security in the sacrifice of the lives of thousands without regard to "the object of his problem." The constitution written with so much care, acclaimed with so much enthusiasm, adopted with so much hope, was suspended even before it went into operation. And when on the trial of Danton a decree was passed authorizing juries to declare themselves satisfied of the guilt of persons accused, at any stage of the proceedings against them, the last barrier for the protection of the citizen was swept away. Frenzied patriots and plotting demagogues combined to produce a wild reign of terror—a saturnalia of assassination. Violence became synonymous with patriotism; to be accused was to be condemned; to refuse participation in murder was to become its victim; the guillotine became the altar of popular sovereignty—exactng human sacrifices in ghastly abundance; the blood of the best and of the worst; of the most patriotic and of the most dis-

affected; of the philanthropic dreamer and of the brutal cutthroat; of both sexes, of every age, and of all conditions, drenched the soil of France—not as the stern ransom of liberty, but as a mad libation to anarchy and riot. The constitution founded to protect the rights of man perished miserably after violating all of them, and republican institutions became discredited throughout Europe for a century.

The distinction between our republic and all others—which has made it a bulwark of liberty and order, while they have generally become engines of oppression and sources of confusion—is not in the varied extent of privileges promised by them but in the different means which they provide for their enforcement. Our constitution was not committed to the “care of all the virtues,” but to the courage, wisdom and patriotism of an independent judiciary. The whole security of our political system rests primarily on Article III. of the constitution, which provides that the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish; and that the judicial power shall extend to all cases in law and equity arising under the constitution and laws of the United States and treaties made under their authority; to controversies between two or more States, between a State and citizens of another State, and between citizens of different States. This is the corner stone of our political structure, but not the force which secures this government firmly on its foundations. The experience of France, and indeed of this country, shows that constitutional provisions of themselves are but mere admonitions, always disregarded in practice unless adequate instrumentalities are provided to enforce them. The actual character of a constitutional government depends less on the words of its constitution than on the

interpretation which they receive. It was not the constitution as drawn up by its framers, but the constitution as interpreted by its judges which the greatest Englishman of modern times described as the most perfect work ever struck off in a given time by the mind of man. Marshall found a plan, he placed it in effective operation; he found certain declarations in favor of individual safety, he made them the panoply of individual rights; he found a written constitution, he made it a constitutional government.

In fixing the credit due to Marshall's judicial career it is not necessary to belittle the wisdom and foresight of the men who wrote the constitution. No structure can be stronger than its foundation. John Marshall could never have raised the Supreme Court from the weakness in which he found it to the power and majesty in which he left it if the constitution had not afforded him an adequate field for the fullest exercise of his constructive genius. It would be superfluous, in this presence, to discuss or even mention the long series of decisions through which he made the promises of freedom embraced in the constitution actual possessions of the American people. It is enough to say that during his judicial service of thirty-four years in deciding many controversies arising in every part of the Union he succeeded in establishing four great principles which underlie our whole constitutional system and which constitute its main support:

First.—The supremacy of the national government over the States and all their inhabitants.

Second.—The supremacy of the constitution over every department of government.

Third.—The absolute freedom of trade and intercourse between all the States.

Fourth.—The inviolability of private contracts.

It is true that these principles are now regarded as

axioms of civilized society too obvious to be questioned in a nation capable of constitutional government, but the universal respect in which they are held is entirely due to the courage, resolution and ability with which Marshall asserted and maintained them. If no attempt to violate them had ever been made by the States, or by Congress, no occasion would have arisen for the decisions which vindicate them so clearly that no respectable authority can now be found to challenge them. It is true that the supremacy of the constitution over Congress and the executive was asserted by Judge Patterson in a charge to a jury delivered long before Marshall assumed the ermine. It is equally true that at a still earlier period—in 1788—Alexander Hamilton devoted a number of the *Federalist* to proving that it was the right and duty of the judiciary to set aside a law which contravened the Constitution. Indeed, I believe the principle had been asserted in some of the colonies before the revolution. But there is nothing new under the sun. Marshall did not discover or establish any new principle of liberty, nor did this Constitution embrace one, but Marshall did devise an effective plan for making declarations of ancient principles practical features of civil government. Man can no more invent a new principle than he can invent a new force. The limit of human ingenuity is exhausted when new devices are found for utilizing forces which are eternal. The force which moves the steam engine existed since the beginning of the world, but it was never available for the use of man till Watts devised an effective machine. Liberty was always an aspiration to cherish, but never till Marshall made this constitution effective did liberty become a possession to enjoy.

Marshall brought to the interpretation of the constitution the love of a patriot, the wisdom of a statesman, and the ardor of a partisan. He had followed the debates of

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its framers in Philadelphia, he had successfully urged its adoption in the Virginia Convention against the eloquence and overshadowing authority of Patrick Henry. Every peril which it escaped in the progress of its evolution, every criticism of its provisions, every apprehension expressed of its operations, were signal lights warning him of dangers which threatened it, and suggesting possibilities of further development which in after years he improved to the utmost.

In the very general disposition to treat the Constitution as a mere treaty between independent sovereignties which might be disregarded at pleasure by any of them, he discerned a danger against which he warned his countrymen from the judgment seat almost as soon as he ascended it. From 1804, in the cases of the United States against Fisher, to the last day of his service he never missed an opportunity to assert the supremacy of the federal government on all matters committed to it by the Constitution as the vital principle of our national existence, nor to show by irresistible logic that to question its sovereignty was to plot its destruction. This was the doctrine on which patriots always supported the Union—for which Webster contended in the Senate—for which armies battled during four long years, and which was finally affirmed on the battlefield when the sword of the Confederacy was surrendered to the triumphant forces of the republic.

In the opposition expressed in the Philadelphia convention to establishing United States Courts of inferior jurisdiction and in the suggestion that the enforcement of the Federal Constitution and laws should be confided to the State courts, he detected a disposition to emasculate the federal judiciary by making it a body without limbs, and when occasion arose in 1809 he issued that mandamus to Judge Peters which made the subordinate courts of

the United States the vigorous and effective hands of the constitution—enforcing its provisions in every locality—bringing the Federal law to the doorway of the citizen—maintaining the supremacy of the United States in every square foot of their territory—without interfering with the power of the State to deal with matters concerning itself and its own citizens, except to administer its justice according to its own laws when they were invoked by a stranger against a resident. And when in the subsequent case of *Hunter's Lessee* he established the right of the Supreme Court to review any proceedings of a State tribunal which involved a question arising under the laws or Constitution of the United States, he converted the State courts from possible obstacles to Federal authority into additional agencies for the enforcement of Federal laws.

In the proposal so strongly urged in the Philadelphia Convention to empower the judges of the Supreme Court to advise the legislative and the executive departments in the discharge of their functions he detected an apprehension that under a republican form of government parliamentary bodies and executive officers might be carried to excesses by violent gusts of popular opinion, and in the case of *Marbury against Madison* he quieted that distrust for ever by assuming for the judiciary the right and the duty to enforce the constitution against any attempt to invade it by any other department, or by all the other departments of government combined, on the complaint of any citizen whose rights might be imperilled by the encroachment.

Freedom of trade between the States was secured when in *Gibbon against Ogden* the jurisdiction of the Federal Government was established over the navigable waters of the United States, whether inland rivers or harbors of the sea, and when in the subsequent case of *Brown against*

the State of Maryland—which might be called the original “original package case”—it was held that the State had no power to impose any tax or duty by way of license or other pretext upon the products of other States seeking access to its markets. To these and the subsequent decisions constituting the body of law governing interstate commerce we are indebted for the profound peace which reigns between the States, for if one State had been allowed to impose discriminations in matters of trade or communication against the citizens of another, each imposition would have been followed by reprisals leading in turn to fresh retaliatory measures until a state of commercial war would have been the normal relation between all the States. It is the history of humanity that a conflict of interests is usually followed by a conflict of arms.

The Dartmouth College case which established the inviolability of contracts was an industrial bill of rights to the people of this country. It has proved the very fountain of the prosperity which they have achieved and of the greater prosperity which awaits them.

It is surely unnecessary to argue that on the sacredness of contracts depends the industrial coöperation of man, and coöperation is the mainspring of industry. For who would work and toil unless he felt that he could exchange the product of his labor against the commodities produced by the labor of others upon conditions of his own making? Who would sow a field, or turn a single furrow with the plow, or swing a pickaxe in the bowels of the earth, or shiver to-night upon the front platform of a street car if he doubted the payment of the wages which he had contracted to receive, or if he did not know that other men are producing the shoes, and the clothes, and the food essential to his existence and which they will gladly exchange for the proceeds of his wages pursuant to contracts freely made between them?

While the whole industrial activity of man depends upon his belief in the fulfillment of contracts, there is often a strong tendency in legislatures and governments to repudiate debts or obstruct their collection. When, therefore, Marshall placed the obligation of contracts beyond the power of any State to disturb, he made the industry of this country the most prosperous in the world by making its fruits the most secure.

If I were to summarize Marshall's service I should say that on the solid foundation of the Constitution he made power, justice, peace and prosperity the four great pillars of our governmental system—power by establishing the sovereignty of the general government over the States, thus making it the strongest nation in the world; justice by establishing the dominion of the constitution over all the departments of government; peace by establishing freedom of intercourse between all the States; prosperity by establishing the inviolability of private contracts.

The decisions of Marshall's successors, without disturbing these pillars, have strengthened them, and the stately fabric of government which they support.

The stability of the Union has been secured as much by forbearance in refusing to exercise powers not properly belonging to it as by firmness in enforcing those essentials to its existence. The inviolability of contracts has not been allowed to pervert franchises granted for the public convenience into monopolies beyond the power of the State to control. The right of every citizen to trade, move or labor everywhere throughout the whole territory of the United States on equal terms with all others has not been allowed to interfere with the right of each State to protect health, order and morals within its limits—the only restriction on its police power being the requirement that every exercise of it must apply equally to citizen and stranger under its jurisdiction.

It is perhaps the most extraordinary feature of our political system as it is the most impressive tribute to Marshall's genius that the power of the judiciary—now unquestioned—to fix the limits of its own authority and the authority of all other departments rests not upon any specific provision of the constitution, but on a principle of construction first announced authoritatively in the case of *Marbury against Madison*. The approval bestowed on that momentous decision and on every subsequent amplification of its doctrine has been so universal that the judicial department has been encouraged to extend the buckler of its authority over an ever-widening field, until it has become the dominant force in our national life—the one element which through all our existence has steadily grown in power and beneficence. Never has the Supreme Court exercised its supreme power of setting aside a law of Congress or of a State that the people did not sustain its course with substantial unanimity. With the exception of the Eleventh Amendment, there is not in the history of the United States, or of any State, a single instance in which the people consented to a constitutional provision limiting the power of the judiciary, while the tendency everywhere has always been to enlarge it.

While this respect for the judiciary remains a conspicuous feature of our national life no peril to our institutions can ever become serious.

It is often said, and I think with truth, that the close of the nineteenth century witnessed a decline in the popularity of those parliamentary institutions which at its beginning were universally believed to be the sure panacea for all social or economic ills. In France, in Austria, in Italy and in Spain legislative chambers have sunk into universal contempt. Even in England the House of Commons has so far declined in popular respect

that the House of Lords now assumes to reject its measures without fear of popular condemnation. In the present temper of the English people, if Edward VII. were possessed of real abilities, he might be able to impose his authority on both houses. If, for instance, he were to lift his voice now for justice to the Boers and denounce the South African war as a conscienceless manoeuvre of parliamentary politicians for political advantage, I believe that the conscience of the country would sustain him, as I know the public opinion of the world would applaud him, and Parliament would very probably be compelled to follow him. It would need but a few such exercises of leadership to make his authority permanent over both houses, for obedience is largely habit. Indeed, it is by no means impossible that the importance of the Crown, which began to decline after the death of Elizabeth, may begin to revive after the death of Victoria.

In this country, representative bodies have not escaped the disrepute which has overtaken them in other lands. With us corruption is sometimes attributed to Congress, quite generally to State legislatures, universally to municipal councils. But in our government there is one department untainted by any breath of suspicion to which the people are so passionately attached that the slightest attempt to disturb its independence or even to review its decisions at the ballot box would be the ruin of the political party suggesting it. Where Parliament is supreme, corruption of legislative bodies undermines the life of the whole State, for when the omnipotent source of power itself becomes corrupt, all the streams which flow from it must be tainted, and laws springing from greed are sure to be administered for the plunder and oppression of the people. Under such conditions industry languishes, prosperity withers, civilization itself is imperilled. But under our democratic government the right of the citi-

zen to come and go as he pleases, the right to enjoy his property, to exchange the product of his industry against the commodities produced by others, depend not upon the honesty of the legislature, or the loyalty of the executive, but upon the virtue and independence of the judiciary. If corruption exists in this country, it can only affect the bestowal of favors by the government, it cannot endanger the life, liberty or property of a single individual. There may be partiality—corruption, if you will—in the bestowal of public franchises, of public offices, and of public contracts, but while there is none in the administration of justice, while the courts remain true to the example and precepts of Marshall, all the essential rights of the citizen are as secure as the earth under his feet—they can no more be invaded than the stars in heaven can be blotted from his gaze.

One hundred years after the establishment of our Constitution what purpose expressed in its preamble remains to be accomplished—what hope cherished by its framers is unfulfilled? I know of none. Look around you and tell me if this be an idle boast? Has not the Union been made perfect through the wisdom of the great magistrate who showed its necessity and the blood of the heroes who cemented it? Is not justice firmly established by the unquestioned dominion of the constitution? Is not domestic tranquillity absolutely insured since perfect freedom of intercourse and trade removes all provocations to hostile acts or feelings between the States? Is not the common defence abundantly provided for by the overwhelming strength of a populous nation whose every inhabitant would die for the integrity of its soil and the glory of its flag? Has not the general welfare been promoted beyond the wildest hopes of the fathers since the security of property encourages industry to wring measureless abundance from a fruitful soil? Are not the bless-

ings of liberty secured for ourselves and our posterity beyond fear of invasion or danger of abridgment by the effective protection which the judiciary casts over the essential rights of every citizen?

But the authors of this constitution in framing Article III. builded even wiser than they knew. At this moment the court is considering the gravest question ever submitted to a judicial tribunal in the history of mankind. Within a few days it must decide whether the government of the United States, or rather whether two of its departments can govern territory anywhere by the sword, or whether authority exercised by officers of the United States must be controlled and limited everywhere by the Constitution of the United States.

If it be possible to maintain two forms of government under our constitution, it is possible to establish twenty in as many different places. Territory may be annexed to the North, to the South, to the East and to the West. The President of the United States may be vested with imperial powers in one place, with royal prerogatives in another and perhaps remain a constitutional magistrate at home. He may be made a military autocrat in some South American State, an anointed emperor in some Northern clime, a turbaned sultan in some eastern island. Nay, more, Congress can move itself and the seat of Government from Washington to some newly annexed territory governed by officers of its own creation, subject to its own unlimited power, and thus take both outside the jurisdiction of the Supreme Court.

Has the world ever before seen—could the framers of this constitution have conceived—a bench of judges exercising such a power amid the universal submission and approval of the whole people?

To me this is the most sublime spectacle ever presented in the history of the world. Think of it! A war has been

waged with signal success, vast territory has been exacted from a conquered foe; a great political campaign has been fought and won upon the policy of taking this territory and governing it at the pleasure of Congress and the executive, yet if the court should hold that what the executive has attempted, what Congress has sanctioned, and what the people appear to have approved at the polls is in contravention of the constitution, not one voice would be raised to question the judgment or to resist its enforcement. I have said the spectacle is sublime; my friends, even a few weeks ago it was inconceivable. Before the late election I confess I believed and said that the success of the present administration would be interpreted as a popular endorsement of its foreign policy, and that the popular verdict would very probably be made to exercise a strong if not decisive influence on the court. I admit now that I was mistaken. It is evident that this question will be decided on its merits without the slightest attempt to coerce, intimidate or influence the judges, and I say now, with all frankness, that whatever may be the judgment it will be the very best outcome for the people of this country, for the peace of the world, for the welfare of the human race.

I cannot tell what this outcome may be, but I know that whenever a crisis has arisen in the pathway of the republic, the statesmanship of the common people has always met it with justice and solved it with wisdom. Before the close of the civil war, who that paid attention to the utterances of journalists, politicians and publicists—who that heard the famous declaration that treason must be made odious; or read the journalistic demand for punishments disguised under pleas for precautions against any renewal of rebellion; or listened to the popular songs proclaiming a firm purpose to “hang Jeff Davis on a sour apple tree,” could have realized that

peace would be restored without the infliction of a single penalty or the exaction of a single sacrifice—that the pacification of the country would be accomplished by pardon and not by punishment—and that five years after the end of the conflict the reconciliation of the combatants would be so perfect that victors and vanquished would alike rejoice at the result? And so, while no man can predict the solution of the question which now perplexes this government and this people, the whole history of the United States forbids us to fear that it will prove an insuperable obstacle to the progress of liberty, but commands us to believe firmly and implicitly that it will become a stepping-stone to higher achievements from which, under the Providence of God and the wisdom of the judiciary, this republic will diffuse the light of justice still more widely throughout the world.

I have nothing to recant of what I said on the hustings; no apology to make for my course during the last election. Under similar circumstances my words and my actions would again be the same; yet, if the court decides now, as I hope it will, that the constitution and the flag are inseparable; that where one waves the other must govern, then, indeed, am I prepared to admit freely and cheerfully that the people in deciding as they did were wiser than if they had followed my advice. For it will clearly be better for the peace of the world, and for the happiness of mankind, if it be established now that the American people can never violate justice anywhere, than if it had been decided at the ballot box last November that this generation of Americans had no disposition to perpetrate an act of injustice in the eastern seas.

When this momentous question shall have been decided, when this great service shall have been rendered to civilization, will the American judiciary have fulfilled its mission as an independent department of government? Shall

the judges hereafter be the mere arbiters of private disputes? Will they no longer be required to display that constructive capacity, that judicial statesmanship which have proved the safety of our government by fixing the limitations within which its power is absolute, beyond which it may not pass? Great as have been the services which the American Judiciary have rendered already to civilization, I do not believe, my friends, that the wisest man can measure the contributions which it will make to the science of government in the years that are to come. What is the purpose of government? I believe it was Lord Brougham who said that the English government with all its ramifications, its king and its officers of state, its Houses of Parliament and its courts of justice, its lords, its commons, and its judges, its armies and its navies, all culminated in bringing twelve good men into the jury box. That statement is striking and original, but inadequate. The jury is but an incident,—perhaps the most important incident,—but still merely an incident of government,—not its ultimate object. The ultimate aim and purpose of government is to promote the effective cultivation of the earth that by an increase in the volume of its product the number of human beings may be multiplied that can be supported upon its surface. The first essential of abundant production is the preservation of peace.

The American judiciary has been the most effective agency ever evolved from human wisdom for the vindication of justice, and justice is the only reliable foundation of peace. By establishing peace among the States it has obviated the necessity for standing armies and increased immeasurably our national prosperity by directing every pair of human hands to the productive employments of industry, diverting none to the destructive and wasteful enterprises of war. Never has a population increased

so rapidly while every increase in the number of men has been attended by a still greater increase in their possessions. The gloomy theory of Malthus that the tendency of population was to grow more rapidly than the supply of food and therefore that war, pestilence, famine and vice as checks to population were inevitable conditions of human life has been refuted and exploded by the experience of this country. We have established beyond all doubt that the food supply of the earth is not a limited quantity but is capable of measureless increase—that the earth is not an unnatural mother producing creatures beyond her capacity to support, but a generous mother ready to yield abundant subsistence to every human being engendered upon her bosom, if men will but approach that fountain of sustenance in peace and industrial coöperation. Here at least every man produces more than he consumes and as his surplus product goes into the common fund it widens the field of employment for others. Every addition to our population instead of being an additional charge upon a limited food supply is a source of additional abundance. If there be any limit on the power of the soil to support human beings it is imposed by the wickedness or folly of men, not by the parsimony of nature. To support a population however large, growing in prosperity as it grows in numbers, it is only necessary that all men shall be allowed to approach the earth in peace, to exercise all their faculties in its cultivation, without wasting any of their energies in mutual conflict. As our population grows the comforts of our citizens grow; their houses are larger, their clothing is warmer, their food is more abundant, their books are of higher merit, their schools are more extensive, their hospitals are more efficient, the productive power of their hands is multiplied, and the horizon of their hopes is widened.

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The dangers to peace do not all spring from foreign aggression, nor are they confined to domestic insurrections. A new peril has arisen to disturb industry born of the prosperity which it creates. The division of the earth's product among the laborers who create it has provoked conflicts as bitter as any that ever arose over the division of the earth's surface among the nations which inhabit it. Industrial disturbances cannot be settled by force or by the mere enactment of statute laws. Between individuals as between states peace can never be permanent unless it is built upon justice. By ascertaining the true economic laws governing the relations of men engaged in production and by applying them fearlessly and impartially to controversies as they arise, the crowning service of the judiciary will be rendered—the final triumph of judicial statesmanship will be achieved. I have no fear that this consummation is impossible or even remote. Looking back over the history of this country I cannot entertain a doubt of its security or of its future. While the judicial department remains the depository of our rights and liberties—the ark of our political covenant—while the courts remain the inviolable sanctuary of justice, the constitution will remain the secure foundation of the principles established by Marshall, and this government will continue to be the temple of freedom, the bulwark of order, the light of progress, the supreme monument of what man has achieved, the inspiring promise of the boundless future that awaits him.

VIII

The Essential Conditions of National Prosperity

IT is an auspicious sign of the opening century that the minds and discussions of men are turning not on extensions of conquest, but on extensions of commerce; not on methods of injuring other countries, but on plans for improving social conditions in their own. In considering the conditions under which a nation is most likely to become prosperous, it will tend to avoid confusion of thought if we begin by defining just what we mean by prosperity.

Prosperity I should define as an abundance of commodities fairly distributed among those who produce them. I do not think an increase in a country's prosperity necessarily means higher prices for speculative securities or additional millionaires enriched by stock operations, but it must always mean more houses and healthier people occupying them; more clothes and shoes with stronger limbs wearing them; more schools with wider instruction imparted in them; more hospitals with better attendance to the sick provided in them; larger parks with greater numbers of cyclists and pedestrians enjoying them—more food, more books, more wages (earned in shorter hours), more leisure to enjoy all that increased earnings can buy. If this definition of prosperity be correct, then the merit of any policy or system can be tested by its effect on the volume of commodities avail-

able for the use of the people. What would tend to increase it everyone should support; what would tend to diminish it every honest man will oppose.

Now it must be obvious, as I have often said elsewhere, that there are but two ways by which property of any kind can be secured—one is by production and the other by plunder.

If a man wants anything, he must either make it or he must take it. It must be produced in the sweat of his own brow, or he must take it from someone who has produced it. There is no other way. Of course anything that he obtains by exchanging it for the thing created by his own labor is virtually produced by himself. It is the product of his product. I lay it down as my fundamental proposition that, entirely apart from the moral question involved, it pays a nation better to seek prosperity by industry than by plunder, for the very simple reason that the profits of production are practically limitless, while those of plunder are necessarily limited. Everything a man produces by industry must be taken from the soil, and therefore constitutes an addition to the general wealth. Everything he obtains by plunder—whether perpetrated by fraud or violence—must be taken from his neighbor, and cannot, therefore, add anything to the total possessions of the community.

I am far from assuming, or believing, that in this age a man could be found who would deliberately propose to any Christian people a naked scheme of plunder; still less do I conceive it possible that such an enterprise would be suggested or even tolerated by any man who enjoys the respect of the English people, the support of a large constituency, and the warm affection of his immediate neighbors. But nothing is more common than to find schemes of plunder supported by the best men, and endured by the most independent, under the mistaken notion

that they are plans for the improvement of society. Very often the man who would be the first to resist an open attempt to invade his rights will actually aid a scheme for his own spoliation when it is presented to him as an enterprise of benevolence. This extraordinary result springs from a tendency—very common in economic discussions—to the use of phrases, sonorous, mellifluous, and polysyllabic, but utterly nonsensical, which have yet exercised an extraordinary power to bewilder the minds and pervert the judgments of men everywhere. You all remember the silver contest in the United States, which has just been settled after a fierce struggle lasting over twenty years. It was, as you know, in its last analysis, an attempt to declare $412\frac{1}{2}$ grains of silver, 99-100ths fine—which is the composition of the American silver dollar—the equivalent of a gold dollar intrinsically worth twice as much. Of course the mere declaration that a silver dollar was equivalent to a gold one would not actually have made them of equal value, but if such a declaration were made the law of the land it would have enabled debtors to secure discharge from their liabilities by paying fifty per cent. of their obligations. Stated in that form it is obviously a proposal of spoliation, and as such it would have been countenanced by few; yet some of the best men I have ever known became enthusiastic in its support, deluded, intoxicated, perverted by phrases which, as we recall them now, seem too nonsensical to provoke other notice than a smile. These men urged the re-monetization of silver at a ratio to gold arbitrarily fixed by statute, not because they were themselves debtors, anxious to evade their obligations, but because, under the influence of these vaporous phrases, they persuaded themselves they were serving the cause of labor and humanity by insisting that the wages of the laborer should be paid in a bad dollar rather than a good one.

The demonetization of silver was denounced as "the crime of '73." The rich were represented as "grinding the faces of the poor," the debtor class as being plundered by the creditor. I have known men to weep over the belief that a relentless "money power," whom nobody ever saw, whose location was enveloped in mystery, stood with uplifted paw, ready to spring upon the unfortunate toilers of America and rend them; while others were roused to vehement declamation by a deep-seated conviction that the counting-rooms of banking houses were dens of infamy, where greedy and heartless conspirators plotted the ruin of the farmer's prosperity by doubling the value of his mortgage and at the same time robbing him of one-half the value of his crop. All this may seem nonsensical now, but only seven years ago it swept the Convention of a great American party off its feet, dictated its political platform, and became the burden of discussion during an exciting Presidential campaign. When, however, we feel disposed to laugh at the extravagances of speech which made the silver question formidable in America, it is well to realize that phrases not a whit more sensible are invoked now in this country to justify a policy equally extravagant.

Protection is essentially the same, in its object, and in the forces which sustain it, as the silver movement. The real force of the silver movement was a desire to confiscate one-half the debts due to creditors. Protection can have no other object than the plunder of the vast body of consumers for the benefit of a few producers; but its real purpose is disguised from its advocates as well as from its victims under a number of phrases quite as extravagant as those which sustained the silver movement, and very likely to produce the same effect on the minds of well-meaning but over-enthusiastic men. Anyone who reflects for a moment on the conditions of human society must

see that Government has no capacity for benevolence whatever. Any scheme of benevolence by Government, whether it be called protection to domestic labor, subsidies to home industries, fair trade, or retaliation against a foreign enemy for alleged maltreatment of domestic producers, always masks a scheme of plunder. A moment's reflection will show that this must be so. The highest excellence that the best Government can reach is to enforce justice. Where it attempts to do more than justice it succeeds in doing injustice. It can enforce justice upon everyone subject to its jurisdiction. Having done that, its power for good is exhausted. A Government can create nothing. It cannot by any exercise of its powers, by legislative enactment, or judicial decree, or executive command, cause two blades of grass to grow where one grew before. It cannot make a withered tree blossom or a barren field fruitful. It cannot summon stones from their bed in the earth and make them form walls to enclose a building. It cannot command a tree to fall in the forest, and divide itself into planks and boards, from which chairs and tables may be made. All these results can be accomplished only by the labor of human hands.

Since Government of itself can create nothing, it can have nothing of its own to bestow on anybody. It cannot, then, be both just and generous at the same time, for if it be generous to some it must be oppressive to others. If it undertake to enrich one man, the thing which it gives him it must take from some other man. If it have a favorite, it must have a victim; and that Government only is good, that Government only is great, that Government only is just, which has neither favorites nor victims.

But although Government has no power of beneficence, it has a power of mischief which is practically limit-

less. While it has nothing of its own to bestow on anybody, it can, directly by confiscation or indirectly by partial taxation, divert from one man the things created by his toil into the possession of another man, and it is this power which some men are constantly seeking to persuade Government, under various pretences and disguises, to exercise for their benefit and the oppression of their fellows. The protective system, stripped of all the misleading verbiage under which its operations are disguised, is simply the bestowal by Government on certain favorites of the power to tax for their own private benefit the vast majority of their fellow citizens. Of course the advocates of Protection will deny that its benefits inure only to a class, and insist that they extend to everybody; but if everybody were protected alike nobody would be benefited, nobody would be injured, and there would be no Protectionists. If every man around these tables were allowed to take a shilling from his neighbor's pocket, at the end of the operation everyone would be just where he was at the beginning. Every man would have gained a shilling and lost one. Nobody would be any richer and nobody would be any poorer. And because nobody would be any the richer or any the poorer, no one would urge the advisability of taking so much fruitless trouble. But if every tenth man were given the right to levy on the nine men nearest to him—to take a shilling from the pocket of each—then you would very probably find ten per cent. of this gathering actively at work persuading the other ninety per cent. that in despoiling them they were serving them, that this spoliation was the very foundation of their prosperity, that by submitting to it they would be laying up in some mysterious and incomprehensible way inexhaustible treasures to enrich a distant and indistinct hereafter. And, stranger still, the majority would submit to this plun-

der; nay more, they would actively support it, if we may judge by the experience of some other nations.

A protective system, while in its terms it always pretends to be general, in the nature of things can benefit a few only, and this benefit must always be at the expense of the majority. In America, the farmer is the one who, though enjoying theoretical protection, is compelled to contribute from his prosperous industry of agriculture to all the sharks who prey on the industrial system through taxation. Agricultural products are indeed embraced in the schedule of dutiable articles; but as none are imported, none can be protected by tariff laws. The American farmer is necessarily an exporter of produce. He must sell, therefore, in a foreign, that is to say, in an unprotected market. But the manufactured articles which are necessary for his comfort he must buy at home, that is to say, in a protected market. The buying of necessaries in a protected market involves paying more than their reasonable value for them, and the difference between what he has to pay under a protected system and what he would have to pay under a free system is the amount of the tribute exacted from American farmers for the benefit of certain manufacturers. In this country the operation of the protective system would be just the opposite. Here the farmer would be the beneficiary, and the urban artisan the victim of protective privileges. The English farmer does not export, for he cannot produce enough to meet the home demand for agricultural products, while the manufactures of the cities are exported and must be sold under the conditions prevailing in foreign markets. The operation of a protective tariff would be, by the confession of everybody, to raise the price of food. That is to say, the mechanic and laborer of the cities would be placed under tribute to the farmer, or perhaps, to speak more accu-

rately, to the farmer's landlord. Here, then, you will find, as elsewhere, that the operation of a protective system, like every scheme of favor by Government, means the plunder of victims for the benefit of favorites.

Protection is indefensible in point of morals or policy. Logically it is absurd, ethically it is immoral, politically it is unsound.

Logically the essence of Protection is the advisability of doing business at a loss, for if an industry can be carried on at a profit in competition with all the world, it would not need Protection, and would not accept it. But, under Protection, the man who incurs the loss is not made to bear it, but is allowed to recoup it and even turn it into profit through the proceeds of taxation. Under such a system it is manifest that a man's surest and quickest road to profit is not by improving the excellence of his product, but by gaining the closer favor of the Government. And the favor of Government can only be obtained by corrupting it, for, as we have seen, the moment a Government becomes partial that moment it ceases to be just. This is a strong statement, yet I venture to say that on slight reflection its truth will be self-evident. You can only justify Protection on the ground that without it a foreign product would undersell a domestic commodity—in other words, that the foreign article is better than the one produced at home. The essential difference between Free Trade and an industrial system based on Protection is, that under a system of Free Trade the excellence of the product is the only means by which it can secure a market; while under Protection an inferior article can dominate the market through the aid of legislation. The necessary effect of Free Trade is, therefore, to encourage efficiency in production, while the necessary effect of Protection is to encourage skill in corruption.

We are told that Protection has wonderfully stimulated industrial development in Germany and the United States, but nothing can be more fallacious. The organization of the German Empire did not result in making its foreign trade free, but it did result in breaking down the customs barriers between the States which composed it, and to that suppression and the enlarged Free Trade area which it established was due the enormous growth of industry which followed it.

In America there is absolute Free Trade between all the States. The American Union is the greatest Free Trade area in the world, extending from the Atlantic to the Pacific, covering every variety of soil and embracing every form of agricultural and mineral product. And there the domestic trade, which is free, has grown out of all proportion to the foreign commerce which is protected. The effect of Free Trade and Protection in America is well shown by the respective growths of New York and Chicago. New York has every natural advantage. She lies at the mouth of a great river navigable by the largest craft for 150 miles. By canal she has water connection with the great lakes. Her harbor, with only twenty miles of pilotage, could float all the navies of all the world. She was the leading city of the country before Chicago was founded. Yet Chicago is outstripping her in population merely because she is the centre of a great Free Trade area, while New York's natural advantages as a seaport are limited and embarrassed by restrictive tariff laws. From her position, New York was clearly designed by nature to be the seat of exchange for the products of our country with those of all the world—to sit at the gateway of Western commerce, stretching one arm over our Continent and the other over the Ocean, with both raking the tribute of the world into her lap, but Protection restricts, embarrasses, well nigh paralyzes the arm she

should stretch to other nations, and thus impedes her growth in wealth and population. With Free Trade she would be the greatest city of the world. Chicago's growth would not be less. It would be greater than it is now. But New York's would be greater still. She would be the great metropolis of the world; for none has her natural advantages, and none contains a people so intelligent, so industrious, and so capable. But under oppressive tariff laws she is in danger of sinking to a second place among American cities; and so well do her citizens understand this that they have never failed to vote overwhelmingly against Protection whenever an opportunity has arisen to express their hostility at the ballot-box.

By everybody's concession, Protection in this country would involve first of all a rise in the cost of living. But this we are told would be followed by a rise in wages much higher in degree. Now, I am one of those who believe that there is no test of prosperity absolutely reliable except the rate of wages paid for labor. Any measure that will operate to increase wages I should favor most heartily. If I can be shown that the result of any policy would be to raise wages, nobody need take the trouble to show me that it has any other merit. I want no other proof of its value. I beg you to believe that this is not a demagogue's appeal to one class at the expense of another. I do not say it because I profess any special regard for a man who works with his hands, but because I have a keen regard for my own interests. Wages being that part of a man's product which he obtains for himself in compensation for his toil, it is obvious that wages can be high, only when production is extensive. When production is extensive, commodities must be abundant, and abundance is prosperity. If I be engaged in making chairs, and one of my employees produces ten chairs a week, worth £10, and his wages are £1 a week, what he actually gets is

one-tenth of his product—one chair out of every ten that he produces. Of course he won't take a chair home with him every week, because if he undertook to divide it among the butcher, the baker, and the landlord, the division would make it valueless. So, instead of taking the chair which he cannot divide, he takes its equivalent, £1 in money, which he can distribute among the various persons who contribute to the support of his life. Now if, instead of ten chairs, he could produce twenty chairs a week, and his wages continued to be the same proportion of his product—that is to say, one-tenth of it—instead of £1 he would get £2 at the end of every week. He would have doubled his wages, but I could better afford to pay him £2 for the larger than £1 for the smaller product. In the one case he would leave me nine chairs, in the other eighteen chairs, to dispose of for myself as the result of his week's labor. And this explains why the highest paid labor is the cheapest in the sense that it is always the most profitable to the employer.

In doubling his production of chairs the laborer must make use of twice as much wood, twice as much glue, twice as much of other materials. More trees must be cut down in the forest, more hands must be engaged in transporting the logs, more men must be at work in converting them into lumber, more space must be secured for the sale of the finished chairs, more vehicles employed in delivering them to the consumer. As each laborer increases his own product—that is to say, increases his own wages—he creates a demand for the labor of others, and thus stimulates the rate of wages in every other field of human endeavor. But that is not all. An increase in the supply of chairs must necessarily diminish the cost of them to the consumers, and thus, as the laborer increases the volume of his own wages, he increases at the same time their purchasing power, while you and I are

benefited by the reduction in the cost of chairs. And thus it is that where commodities are abundant, that is to say cheap, wages are necessarily high. And the conclusion which philosophy points out the experience of the whole world confirms. As a matter of fact wages are highest not where commodities are dearest, as the Protectionist would have us believe, but where commodities are cheapest. Wages in Mexico are not more than one-third as high as in the United States, yet food is much dearer. White bread, flour, meat, tea, coffee, milk, are articles of which the Mexican laborer has no personal knowledge—he never tastes them. The highest wages in the world are paid in the United States, and there commodities, with the single exception of house rent, are cheapest. In England, where wages are higher than in any other country in Europe, the necessities of life are cheaper. In Italy, France, Germany, Russia, the wages of the laborer are much lower than here, but meat, tea, coffee, sugar and bread are vastly higher. The Protectionist will tell you that the cost of living is less to the laborer in Italy than in England, and put in that way the statement is true, though it is none the less misleading. It shows how even truth in the hands of a phrasemaker can be perverted into a weapon of error. It is true that the laborer lives more cheaply in Italy than here—but how? He lives cheaper than the English laborer simply because he lives as no English laborer would allow his dog to live. If we take one standard of living, whatever it may be, the cost of maintaining it would be vastly greater anywhere on the Continent of Europe than here in the British Isles.

The Protectionist will tell you that where an employer makes large profits by exercising, for his own benefit, the power of taxation, he will be able to pay high wages, and then, with characteristic contempt for logic, proceeds

to assume that because the employer *can* pay high wages therefore he *will* pay high wages. Now, has it ever occurred in the history of the world that any employer of labor, however high the Protection he enjoyed, however enormous the revenue which it produced for him, has paid a workman 5s. a day if another man equally efficient could be found to work for 3s.? It never has occurred in the history of the world, and it never can occur. As a matter of fact, almsgiving and the payment of wages are utterly different and irreconcilable operations. Nothing can be more degrading and nothing more erroneous than the notion so widely entertained that wages are a species of alms, depending for their volume on the moral nature of the employer—that good men who employ labor will always pay high wages, and bad men low wages. The wages of a laborer do not depend upon the charity of the employer, nor on the persistency of the employees in making demands, but on a law immovable as that which regulates the course of the seasons—the law of supply and demand. If I undertook to pay the laborers in my employment 6s. a day when labor equally efficient could be secured for 4s., some other man with less extravagant but much sounder impulses would open a factory next door to mine, and, by hiring the cheaper labor, he would undersell me and bankrupt me, and leave me in a position where I would not be able to pay any wages at all. Now, the necessary effect of Free Trade is to make an employer depend for an increase of his profits on an increase of his product. The larger its volume the greater his earnings. He can increase his profits in no other way. But to enlarge his product he must increase the number of hands employed by him. An increase of his profits, therefore, involves a larger employment of labor. The effect of Protection, on the other hand, is to allow a man to increase his revenues, not from an increase of

his product, but by arbitrarily exacting for a smaller product a price which he is enabled to fix through the power of taxation. The system which makes profits increase as the volume of production increases necessarily tends to increase the demand for labor, while the system which permits large profits to be made on narrow production tends to limit the demand for labor. If, therefore, the rate of wages, that is to say, the price of labor, is regulated by the law of supply and demand, as the price of all things must be, then Free Trade necessarily and inevitably operates to raise wages and Protection to decrease them.

Whether this view of Protection and its effect on wages be correct or mistaken, it is certain that in the scheme suggested as an improvement on your existing fiscal system a rise in the cost of living is to be the initial step. There is no doubt at all about that. Everyone—Protectionist and Free Trader—concedes that to tax the necessities of life is to increase the cost of them. But for the compensating rise in wages the workman must trust to the accuracy of a statesman's prophecy. Now, instead of a rise in the cost of living first and a rise in the rate of wages afterwards, would it not be the part of prudence and ordinary common-sense for the laborer to insist that the order be reversed—that his wages be raised first? Then, with the increase in his pocket, he would doubtless be ready to consider with an open—certainly with an easy—mind how much of it he should give back in the form of taxation to ensure its permanency.

Whenever any statement of the Protectionist is examined in the light of cold analysis, it is invariably abandoned, and the advocates of the system retreat behind some of those vaporous phrases which have always proved efficient in bewildering the minds and perverting the judgments of men. We are urged every day, and almost

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every hour of every day, to ignore the formulas and disregard the shibboleths of Free Trade. I do not know just what the shibboleths of Free Trade may be. The only one I am familiar with is the multiplication table. I am willing, however, to discard even the right to assume that twice five are ten, and to hold myself bound to prove that, and every other assertion I may make, by the ordinary everyday experience of men. But would it be possible to persuade the Protectionist to accept the same rule of discussion and to offer intelligible definitions of the nonsensical phrases which form the whole strength of his declamations? These phrases are not the property of English Protectionists. They are used wherever proposals of plunder are under discussion. We are very familiar with them in America. I can repeat them from memory. If I omit any I hope some gentleman present will supply the omission. We are told that without protective duties this country will be ruined by an "invasion of cheap foreign goods," and made the "dumping ground for the surplus products of foreign nations," that Protection would furnish means of resisting "the great trusts and combines organized in America," and, finally, that it is necessary as a weapon of "retaliation" against hostile tariffs imposed by foreign countries. The ruin of a country by an "invasion of cheap foreign goods" is a conception too fantastic for sober discussion; yet by the simple process of applying the terminology of war to the operations of commerce, such confusion of thought has been effected among men ordinarily reasonable, that we find ourselves obliged to discuss it as an intelligible proposition. The essential object of war being to injure your neighbor, while the essential object of commerce is to serve him, it surely ought to be self-evident that the terms applicable to the one must become ludicrously misleading when applied to the other. Invasion implies

an incursion of a foreign enemy for the purpose of taking away or destroying by violence the property and sometimes the lives of the people; but an "invasion of cheap goods" means that some foreign producer will sell me a suit of clothes for £5 which, under other circumstances, would cost me £7. Instead of taking money from me, this invader would be seeking to give me £2. Now, if any man invades my pocket to take something from it, I will resist him as long as I can. But if he invades my pocket to fill it with sovereigns, he is welcome. I certainly won't try to stop him. My only motion would be to urge him to continue if he manifested any signs of fatigue. Yet it is by conjuring up such spectres as this that men ordinarily sane have been persuaded to aid in their own spoliation.

The assertion that under Free Trade a country may be made the "dumping ground for the surplus products of other nations" is another striking illustration of the mental confusion that may be caused by the misapplication of a single word. "Dumping" is a word we associate with the disposal of refuse. To dump refuse over the fence into one's neighbor's yard is a prolific source of contest in suburban neighborhoods. When, therefore, it is said that a country is made a "dumping ground" for the "surplus products of other nations," it is insinuated that its shores are being covered with something objectionable by some dastardly foreigner anxious to heap insult on it. But obviously, if the expression have any significance at all, it must mean that foreign producers will offer goods at less than their cost to the people of this country. Well, if foreign producers are ready to offer commodities in this country at 50 per cent. of their cost, surely you can bear that dumping as long as they. If everyone else be afraid of such dumping, I am ready to buy land here, and all the dumpers from every country

will be welcome to cover it with everything that they may want to dump there at 50 or 60 or 80 per cent. of its value. There let them bring their machinery, their steam pumps, their steel rails, their steam drills, their locomotives, sewing machines, silk dresses, fur overcoats, patent leather shoes, everything that they can produce. When that land is covered, I will be well able to buy more; and if they continue the process, I will soon be rich enough to buy the whole island, and maintain a prosperity on it higher than has ever been known since Julius Cæsar brought it within the knowledge of civilization. It is said, however, that this dumping process might be invoked temporarily to bankrupt native producers, and after their bankruptcy had been accomplished then prices would be raised higher than ever. The answer is that this never has occurred and, in the nature of things, it cannot occur. The one way in which competition can be made effective is by the use of capital. The more extensive the capital, the more formidable the competition. If the foreign competitor begins his competition by selling his goods to you at a loss, he is impairing the body of his capital and impairing it rapidly, while the native producer, at the worst, would merely suffer a loss of interest. The longer the foreigner continued his process of selling at a loss, the less formidable would become his competition; and if he kept it up long enough, he would after a while be so completely bankrupt that he would not only fail to conquer this market, but he would lose control of his own. The fear, then, that such a temporary dumping could endanger any local industry is based on the fundamental misconception that a foreigner can sell at a loss and, by incurring losses, increase his competitive power.

The assertion that Protection would be effective as a measure of retaliation against those foreign countries

which tax your products has met with more favor than any other statement proceeding from the advocates of the new policy; yet very slight examination will show that it is little less extravagant than the other phrases at which we have smiled this evening. There can be no doubt that in preventing your products from the enjoyment of free access to their markets, foreign countries have inflicted an injury on your commerce. It is equally beyond doubt that if by any method within your power these foreign countries can be forced to abandon their discriminations, it would be not merely your right but your duty to invoke it—whether it be called retaliation or anything else. Retaliation is not immoral. The only question is, whether it is advisable; whether you can by retaliating inflict more injury on the commerce of the other country than on your own. That is the whole question.

Now, there are two conditions essential to prosperous commerce—the right to dispose of what you have to sell in the highest market, and to purchase what you need in the lowest market. Your right to sell in the highest markets has been restricted by adverse tariffs. But because your opportunity to get the highest prices for the things which you have to sell is restricted by foreign governments, should you now be deprived by your own Government of the right to obtain what you need at the lowest prices? Would not this be an attempt to cure an injury from a foreign country by inflicting a graver injury upon yourselves? While it is true that in restricting the access of your products to their markets, other countries are damaging their own people seriously, I don't for a moment deny that their folly entails injury on you. Each country is deeply affected by the conditions of every other country. If other countries are languishing in commercial decay, trade with them cannot be as profitable to you as if they were flourishing in prosperity.

Whatever affects them affects you though it may be in lesser degree. If, for instance, a pestilence raged in France, it would be a great calamity to the French people but it would also be a serious matter to this people, for contagion might easily cross the Channel and ravage your English cities. But if the people of Paris or of Calais, by abandoning or neglecting their drainage system, made pestilence almost inevitable there and possible here, would that be a reason for abandoning or neglecting your own sanitary precautions? Would it not rather be a reason for enforcing them more strictly? What would be thought of a person who under such circumstances suggested as a proper measure of retaliation that the people of London close their own sewers, in the hope that by making pestilence probable here, the French people would be frightened through fear of contagion into resuming sound sanitary regulations. And if it would be the part of prudence to meet violation of sanitary laws abroad by more stringent enforcement of them here, why is it not equally the part of prudence to meet every violation of sound commercial laws in other countries by stricter devotion to them here? To impair the access of your own people to the markets where they can obtain most cheaply the things they need, because their access to the markets where they could sell at the highest prices has been impeded to some extent by other countries, would be trying to repair an injury received from another by inflicting an additional injury on yourself in the hope that some inconvenience might result to him.

Retaliation has been advocated as a kind of diplomatic weapon—as a big revolver which would be used not to shoot your enemy, but to impress him with your capacity for shooting. Now, the efficiency of a weapon depends upon its situation. If a revolver lies between my enemy and me, the muzzle towards him, it would give me an

advantage over him. But if I am between the muzzle of the revolver and my enemy, then the advantage would be against me; for if the weapon went off, the charge must pass through my body before it could reach his. And that is precisely how retaliation would operate if it were attempted by this country. Of course, if, as some people believe, the mere threat of retaliation would suffice to make foreign countries throw down their tariff barriers, so that its actual enforcement would not become necessary, no one would object to it. If retaliation is not to be enforced, it is not worth discussing.

It is said that a peril to English commerce lies in the competitive power of the great Trusts organized in America. As a matter of fact, these Trusts, instead of being forces that aid American competition, are handicaps that embarrass it. I know of no subject on which there is so much confusion of thought as on the character, operation, and tendencies of Trusts; and therefore, if we are to discuss them profitably, it is of the highest importance that we begin by ascertaining just what they are. They are primarily, as everybody knows, combinations of the leading persons or firms engaged in some field of production, to prevent competition in that particular industry. The organization of such a combination is possible only under the protective system. Where a country enjoys free imports, its market could not be controlled by an artificial combination unless it included all the producers of the whole World—a combination, which up to the present has never yet been effected. But where a country is surrounded by a high tariff wall, a combination of the domestic producers will suffice to create an absolute monopoly in its market. The object of such a combination is not to sell the product at its fair value, but at such prices as the tariff taxation enables it to exact. Its capitalization is based not on what property it has, but on

the amount of revenue which it can exact from the consumer under the operation of protective taxation. Its capital is therefore three or four times the value of its property, and a large part of this capital is in the form of bonds or debentures. The interest on these debentures must be earned every year, or the concern would be thrown at once into bankruptcy. It must be obvious that a company organized in that manner cannot engage in any war of rates until after it has earned all its fixed charges, and this limitation is a heavy handicap on its efficiency. The Steel Trust, for instance, must earn five million pounds every year to pay interest on its bonds or go into liquidation. Until that huge sum is earned, it is not in any condition to undersell a foreign producer. Were it not for this handicap, the steel industry of the United States, with its great natural advantages, would long since have defeated all competition in neutral markets.

The organization of the Trusts, then, far from being a danger to English industry, is a heavy handicap to American competition. The fact that Trusts are of recent creation only shows that until recently the full capacity of a tariff system for plunder had not been developed. While manufacturing was widely distributed, the competition of producers largely prevented them from abusing the tariff laws to the spoliation of the people. But whenever all the producers in one field became combined into a single concern, the extinction of competition left their promoters free to exact from the public the full tribute permitted by the tariff. As they were capitalized, not on the basis of property, but of revenue, it soon became clear that their chief source of revenue was not their efficiency in serving the people by cheapening commodities, but their power to exact from the people enormous prices for their products. This was actually capitalizing the power of plunder. Every concern which enjoyed this power was

capitalized for three times the value of its property. Every share of stock in these Trusts, then, is based one-third on property and two-thirds on plunder; and thus it has come to pass that shares in the right to plunder the American people are actually offered in the open market, and bought and sold every day.

Of one thing you may be certain. If you establish Protection, you will soon have the Trust, which is its inevitable offspring. And here they will be more oppressive than they have ever been with us. The Trusts have never been able to monopolize the breadstuffs of America, because the supply was always too great. But the whole annual product of English grain could easily be controlled by a great combination, and controlled you may be sure it will be, for no source of profit could be larger. The very first effect of Protection here will be a Food Trust—to plunder the poorest for the benefit of the richest.

It is said that this country is not making under Free Trade the progress which other countries are making under Protection—that Germany and the United States are growing in greater proportion. But the fact that such a comparison is instituted is the highest tribute to the commercial greatness of this country. Here is a little island, with no natural advantages whatever; its soil incapable of providing sustenance for one half its population; and yet she is compared, not with Bavaria or Wurtemberg, but with the whole German Empire; not with the State of New York or of Pennsylvania—either one exceeding her in natural advantages—but with the mighty Republic of the United States, spreading from the Atlantic to the Pacific, with every variety of climate, and a soil so rich that its own products could support five times more people than now constitute its vast population.

How can we account for England's extraordinary com-

mercial prominence on any other ground than the excellence of her fiscal policy, of which the two features are her sound monetary system and her free ports? She was the first country of modern times to establish a monetary system which had honesty for its foundation. Till the end of the 17th century she was not the leading commercial power of Europe. But in 1696 she established a coinage by which anyone who had entrusted a given quantity of silver or gold to an English banker could rely with absolute confidence on receiving back the exact equivalent of what he had deposited. Nowhere else during the whole century which followed could such security be found. And from all over Europe men hastened to place their money in the keeping of Englishmen. London became, and has ever since remained, the money depository of the world, and when more than a hundred years later civilization was threatened by a universal renewal of militarism the profits of banking had made England so rich that she was able to finance the resistance of Europe to Napoleon, and make it effective.

When thirty years later she threw down the barriers of customs duties, and made the whole surface of the earth available to meet the wants of her people, she assumed a leadership which is without parallel for its extent and its beneficence. Her capital grew apace, and as she utilized it all over the world, she became a partner in every great enterprise of civilization. Wherever men were active in industry, the productive powers of their hands were reinforced by loans of English money. She helped to pave our American cities. She largely furnished the means to build our railways. She has constructed tunnels through mountains, and bridged yawning chasms. She has aided husbandmen to cultivate the earth from the mouth of the Oregon to the mouth of the Ganges. She has built a great dam to imprison the waters of the Nile, and make

the ancient granary of the World a new source of supply for the necessities of men. She has bound the nations together by ties of interest stronger than treaties. Every year her wealth increases; her commerce grows; her people multiply; her beneficence extends. She is the phenomenon of all the ages, the living proof that justice is the sole foundation of prosperous commerce. With her military enterprises I have not always sympathized; for her commercial operations I have always had the most profound admiration. She has not always drawn the sword in causes which I approve; she has never unlocked the treasures of her capital for commercial purposes except to improve the human race, to promote prosperity, encourage peace, and swell production. How, I repeat, are these extraordinary achievements to be explained? It is not because of natural advantages, for she has none. It is not because her people are superior to all others in natural capacity, for she was not the leading country of Europe 200 years ago, though she was inhabited by the same race. How, then, may we account for this supremacy in commerce? Only by the soundness of her fiscal system. And surely it is not extravagant to say that anything which might imperil a system crowned with such results would be an injury to progress everywhere—that in defending it you are waging the battle of civilization itself.

It has been made an objection to Free Trade that England alone maintains it while all the other countries of the world maintain the Protective system. The prophecies of Cobden and Bright, that all the World would soon confess the merits of Free Trade, the Protectionist continually tells us, have not been fulfilled. But what of that? The world has always been slower to adopt reforms than the reformers believed possible. For more than a century after the great coinage of 1696 no civilized coun-

try followed England's wholesome example. It is only within the last few years that the single standard has become general throughout the world. Should England have abandoned her sound monetary system because other countries were slow to recognize its advantages, and is it extravagant to suppose that her tariff system will in time be as universally imitated as her monetary system is now?

Personally I have no fear that this fiscal system, one of the crowning triumphs of Christian civilization, is in serious danger. Anyone who looks back to the great coinage of 1696, and studies the manner in which that question—then a novel one in modern civilization—was solved with surpassing wisdom, will realize the extraordinary native capacity of the English people for dealing with difficult problems. But there is a stronger ground of confidence still. The spirit of the age, and especially the spirit recently shown by the English people, is against proposals of hostility, and in favor of closer industrial coöperation among civilized nations. Within a few days we have seen the conquest of France, which was attempted by Edward III., accomplished by Edward VII. But the peculiarity of this conquest and its most glorious feature is that it does not compel one country to contribute any of its treasure to the other, but encourages both to draw fresh treasures from the bosom of the earth by coöperation in fruitful industry. It is a conquest which will not be followed by the building of frowning fortresses on your shores to prevent Frenchmen from coming here, but will, I hope, result in the construction of a tunnel under the waters of the Channel, to facilitate the free exchange of commodities and to encourage their more abundant production in both France and England. The tendency embodied in the recent exchange of visits and telegrams between France and this country is radically opposed to

that which suggests the erection of trade barriers and the initiation of tariff wars. One seeks to isolate men, the other to draw them together; one to divide them in hostility, the other to unite them in coöperation. Your Free Trade system makes the whole industrial life of the World one vast scheme of coöperation for your benefit. At this moment, in every quarter of the globe, forces are at work to supply your necessities and improve your condition. As I speak, men are tending flocks on Australian fields, and shearing wool which will clothe you during the coming winter. On Western fields men are reaping grain to supply your daily bread. In mines, deep underground, men are swinging pick-axes and shovels to wrest from the bosom of the earth the ores essential to the efficiency of your industry. Under tropical skies dusky hands are gathering from bending boughs luscious fruit which, in a few days, will be offered for your consumption in the streets of London. Over shining rails locomotives are drawing trains; on heaving surges sailors are piloting barks; through the arid desert Arabs are guiding caravans all charged with the fruits of industry to be placed here freely at your feet. You alone, among all the inhabitants of the earth, encourage this gracious tribute and enjoy its full benefit, for here alone it is received freely, without imposition, restriction, or tax, while everywhere else barriers are raised against it by stupidity and folly. You have taken the first place among European nations because you are the first to realize that the labors of the whole human race are tributes of service to every member of it; and the primacy which you have achieved by that early recognition I do not believe you will throw away under the influence of flatulent rhetoric and sonorous, but nonsensical, phrases.

I have no disposition to discuss the suggestion that the

solidarity of this Empire depends on a fiscal arrangement which will place the English people under tribute to the Colonies. What you may think it worth while to pay for the loyalty of the Colonies—whether you think a loyalty that must be purchased worth having—is not a matter of economics, but of policy, with which I have no desire to deal. But I would suggest that there is only one basis of durable union, and that is Justice. There are two ways by which you can be guilty of injustice—one is by perpetrating it, and the other by submitting to it. There is little danger now that England will attempt to perpetrate injustice on any of her Colonies. It seems to me that she should not submit to the injustice of placing English wage-earners under tribute to the Colonies. Tribute has never been a reliable bond between countries. The nation that pays it can never love the system which enacts it. If a system of tribute be imposed on England it is certain that the English people will soon begin a struggle to throw it off, and their history proves that their struggles for justice and liberty are never abandoned until crowned with success. Instead of bending England to the vicious protective system of the Colonies, might it not be safer for the Empire, as it certainly would be better for civilization, if the Colonies were persuaded to adopt the sound free trade system of this country? The process of persuasion may be difficult and tedious, but it would be worth a generation of effort; for it would result in an Empire which promoted human brotherhood by giving each man within its limits free access to all the fruits of the earth; an Empire which placed the whole World under tribute, but instead of impoverishing, enriched all its tributaries; an Empire aiming not at the plunder of any country, but serving all, through the beneficent operations of commerce; an Empire built on freedom—freedom of speech, freedom of thought, freedom

of trade; an Empire whose beneficence would be universal, whose duration all Christendom would wish to be perpetual, for its foundation would be immovable justice, and its fruit boundless prosperity.

IX

The Problem of the Immigrant

WHILE the law governing immigration remains in its present form, our ports are wide open to all members of the Caucasian race. To enter this country to-day (June, 1906), a person need only be of good moral character and of a physical ability to earn his own livelihood. Up to the present time the conditions of admission to our population and of admission to our citizenship have been practically identical. Under this proposal they are made wholly different. It establishes an educational qualification for naturalization which probably not 10 per cent. of the million and odd people who came into this country last year could undergo successfully.

The first question we must consider, then, is the effect of admitting every year a million aliens to our population who must be excluded from our citizenship if this proposal be adopted into law. Do gentlemen conceive the full significance of this proposal? First, consider its possible effect upon our foreign relations? Gentlemen must be aware that the Government of the United States claims the right to protect its citizens wherever they may be; to follow them with its watchful eye whithersoever they may go, to see that in every country a traveling or visiting American shall be afforded equal rights before the law with the native-born citizen or subject. While

we assert that right against all other governments, we must in morals and conscience concede the same right to them. Our citizens sojourning abroad are a numerous class, but generally they are wealthy travelers for pleasure, who spend large sums of money wherever they abide. Their visits are keenly welcomed, and wherever they may go everything is done to promote not merely their security, but their comfort and even their amusements, so that their expenditures may be encouraged.

Aliens coming to this country, on the other hand, as a general rule, are without money to spend, but under the stern pressure of a livelihood to gain. There is nothing about them to awaken friendly interest among those with whom they come in contact. In the main, they are ignorant of our language and of our laws. Far from appealing to the interest of the native, they are likely to provoke hostility which may even reach turbulent demonstrations. If these aliens are not received as citizens, they must remain subjects of the governments under which they were born. Any violence perpetrated against them that could be charged to race prejudice or religious animosity may form a basis for representations by the government to which they owe allegiance.

Only a few years ago in the city of New Orleans the lynching of some Italians became the subject of an acute diplomatic crisis, which this country settled by the payment of a large sum—I think it was \$25,000—to the relatives of the victims. Had these men been naturalized they would have been entitled to the same protection as all their fellows and no more. Their security would have concerned no government but that of the State in which they lived. No alien government could have asked a question about them. Is it wise, is it defensible, to multiply sources of foreign complications by maintaining a large and constantly increasing body of alien resi-

dents whose right to equal treatment under the laws may at any time become a subject of discussion between the United States and foreign countries?

Surely a proposal effecting a change so momentous in our policy should be justified by reasons cogent, weighty, unanswerable. What reasons are advanced in support of it? So far as I know, we have nothing but some vague phrases of the gentleman from Colorado, reiterated again and again, to the effect that benefits resulting from citizenship are very great, and therefore that conditions of citizenship should be made very difficult, apparently on some mysterious principle that benefits and difficulties should be made to balance each other. The gentleman seems to forget that admission to citizenship involves the assumption of burdens as well as the acquisition of privileges. He seems to forget that while American citizenship is a high privilege, it does not consist in escaping burdens to which others are subject and acquiring rights which are denied to others, but rather in assuming very serious burdens without any very great extension of substantial rights.

What essential right that the citizen enjoys can you deny to an alien, once you have admitted him to your population? The right which our political system holds essential and inalienable is the right of every man to work when, where, how, and for what he pleases, and to enjoy in liberty and security all that his work produces. Can you deny that right to the alien the moment he lands on this soil, without reducing him at once to servitude? Your Constitution, which prohibits slavery, compels you to give the alien when he reaches this country the full protection of your laws, the right to work, the right to sell his labor, and to enjoy all that his labor produces. All the power of your Government must be exercised to defend him in that privilege, not for his sake,

but for your own. True, in some States he is not allowed to own land directly, but all other fields of investment are open to him, and by ownership of corporate shares he can become the possessor of land to any amount that he may wish to acquire. And while you must, by the very organic law of your political being, employ every agency of government to protect and defend him in all his essential rights, yet under the operation of this proposal he would be exempt from any obligation to bear a part in defense of that government if this country were invaded or threatened with invasion. He is exempted from jury duty and many obligations which are part of the burdens assumed when citizenship is acquired.

While vast and steadily increasing numbers are admitted to your population, whose lives, liberties, and property must be protected by your laws, is it wise to relieve them from bearing a share in the common defense? But the gentleman justified this proposal on the ground that an educational qualification will of itself improve the quality of the electorate by limiting the suffrage to educated men. Even if the gentleman's fundamental assumption be true, if education be indeed conclusive proof of moral merit—which I deny—this proposal would not restrict suffrage to the educated among those who seek our shores. This proposal would not exclude anybody from the suffrage, for the simple reason that the suffrage is not a subject of Federal control, and therefore can not be regulated by Federal statute. We can exclude voters from citizenship, but we can not prevent aliens from becoming voters. If this proposal be adopted, aliens who never can be citizens will still vote in many States of this Union.

Conceive what this may portend. It is well within the bounds of possibility that this country may become involved in a dispute with another country, against

which a large number of persons dwelling here may be inflamed by racial prejudices, by memories of wrongs inflicted on themselves or on relatives, and the votes of these aliens in pivotal States may decide a Presidential election. On that election may turn a question of peace or war. Its result may plunge this country into hostilities, and if this provision be adopted these aliens will be free from any obligation to face the bullets which their votes may have provoked.

But the most ludicrous feature of this proposal, conceived in distrust, if not contempt, of the alien, is that in operation it will result in creating two distinct classes of citizens by elevating the naturalized to a higher plane than the native citizen. Under such a system a vast majority of the aliens admitted to citizenship must speak and know two languages. Everyone not from an English-speaking country must be able to speak, read, and write his own language, and besides he must be able to speak and read English. This is practically a requirement that he be master of both tongues, for whoever can write one language can write any other which he is able to read.

Now, this will be rather a high degree of intellectual attainment. How many of us here could meet such a test? But everyone holding a certificate of naturalization will be adjudged to have passed it successfully. Citizenship for the native carries with it no implication of any particular excellence of quality. The native may be ignorant, unable to read or write. He may be quarrelsome. He may be unclean of person and unclean of speech. He may be incapable of earning his own support. But so long as he keeps out of jail he is equal in point of citizenship with the best, the most cultivated, the most efficient of all his fellows. In the whole body of our citizenship the naturalized under this law must be raised to a plane of peculiar distinction, since he alone

will be held by the formal finding of a competent court—by solemn judicial decree—to be a scholar and a gentleman.

Is this an exaggeration? It was said of Sir Walter Raleigh that he was a soldier, a sailor, a scholar, a statesman, and a gentleman. Under this proposal every naturalized citizen must have four-fifths of the qualifications which distinguished that most brilliant ornament of the Elizabethan age. He must be a sailor, at least to the extent of having crossed the sea. He must be a soldier to the extent of assuming liability to bear arms in case of war. He must be a scholar to the extent of having mastered two languages; and he must be a gentleman, because he must satisfy a court that he is of unblemished moral character; and surely no one will question that the possessor of all these excellencies, moral and intellectual, must be a gentleman.

This section does not absolutely require that an applicant for citizenship be a statesman, but as statesmanship is an accomplishment that can be acquired, and as the naturalized citizen will be eligible to every office in the country except one, it is reasonable to assume that in some instances at least he will develop into a statesman. Is it any exaggeration to say, sir, that if this proposal be adopted, in the body of your general citizenship a select body will be established, of which each one must be actually four-fifths and potentially five-fifths a Sir Walter Raleigh, while the native citizen may be anything short of a convict?

I am opposed to the creation of separate classes in the body of our citizenship, and I think it is in the last degree unwise, almost disloyal, to change our naturalization laws so that while citizenship will raise no presumption of excellence in native born, it will raise a presumption of high excellence in naturalized citizens.

The gentleman from Colorado may say that these criticisms do not constitute an argument against the principle of this provision, but merely in favor of carrying it a step further back and of applying the educational test to every immigrant at the port of entry. I am quite ready to concede that it is impossible to discuss this policy intelligently or profitably unless we go to the very root of the proposal and argue candidly the graver question which underlies it. Should immigration itself be restricted; and if so, should the restriction be made effective by an educational qualification?

I have no hesitation in submitting to the judgment of this committee, and I think it is capable of demonstration, first, that immigration instead of being restricted should be encouraged, and, secondly, that this legislation, if it be adopted, instead of operating to exclude the undesirable, will operate to admit none but the undesirable, while it will shut out those who are in the highest degree desirable.

In discussing whether immigration itself should be restricted, the first step is to ascertain the precise relation between the immigrant and this country. Some gentlemen seem to think that there is a great sacrifice, or at least a grave risk, of imperilling some American interests in giving asylum to this body of refugees from all over the world. I believe that the immigrant, while he obtains great advantages from this country, gives as much—aye, more than he receives. I will go a step further. I say there is nothing that can come through our ports so valuable to our prosperity and welfare as a pair of human hands willing and eager to employ themselves in the cultivation of this soil.

What object can move the unlettered immigrant to come here? What can he do when he enters this country? Does anybody think that he comes here to seek a life of

ease? How could he expect to secure it? Who would furnish him with support or with amusement? He can come with but one purpose, and that is to work. As he comes without capital, he cannot be his own employer. He must therefore sell his labor in the open market. No one will employ a laborer for the mere sake of obliging him or being generally agreeable. The laborer will be employed only where there is a profit in employing him. He cannot find employment—he cannot work—he cannot live unless he produces by his own labor all that he consumes himself—that is to say, his wages plus a profit to his employer. The difference between the wages which he receives for his own support and the total value of his product is the measure of his contribution to the general welfare of the country. Every laborer who comes here is, then, a source of abundance. No matter what his disposition may be, under the very law of his being he must be a contributor to the common stock, because he must produce more than he himself consumes. Any attempt to restrict the number of immigrants coming to this country is, therefore, an attempt to reduce the sources of our prosperity.

I know that certain shortsighted persons say that the immigrant, when he engages in work, displaces some American laborer. I will not dispute that statement. It is true in one sense. Every immigrant who works on this soil does displace a native laborer. But how? He displaces him not by excluding him from all employment, but by lifting him on his shoulders to a higher plane of industry, where he earns higher wages. Surely it must be obvious to every gentleman here that under the essential conditions of industry no immigrant can work without improving the condition of everyone who dwells on the same soil.

The immigrant is nearly always an unskilled laborer.

To live he must engage in what is called "day's work"—that is to say, in the most poorly paid, though the most important, in the whole field of industry. He digs drains and ditches; he paves streets and sweeps them; he builds railroads; he engages in every form of work which requires the strongest muscular exercise and obtains the smallest compensation.

Now, this work the American cannot be induced to do. Yet it must be done. It is the most important of all work, the fountain of all other employment. It must be performed before any skilled workman can ply his trade. Do gentlemen realize that skilled work is seldom if ever exercised on the earth itself, but always on some product of the earth? No mechanic, whatever his skill, can become productive until he obtains raw material on which that skill may be employed. And those raw materials must be produced by that manual labor to which the American laborer will not stoop, but which the immigrant gladly embraces an opportunity to perform. Every immigrant who brings from the bosom of the soil a single commodity gives employment to others instead of wresting employment from them. The coal which he produces with his pickaxe gives employment to the railway hand who transports it and to countless others at every stage of its progress from the mouth of the pit where it is mined to the furnace where it is consumed.

The agricultural laborer who turns a furrow in the field and scatters seed upon it is producing grain which when harvested must be carried to the mills and there ground into flour, and then transported to bakeries, where it is made into bread for the consumption of millions; and at every stage of this production men are furnished employment by the raw product of unskilled labor. Wherever a skilled mechanic is active, we know that somewhere or other unskilled laborers are minister-

ing to the necessities of his industry, providing the materials on which his craft is exercised. Can a building be constructed, or a bricklayer, a plumber, a carpenter, or any other skilled laborer be employed in its erection until the foundations are laid and the cellar dug by unskilled labor? Can an engine be placed in motion by the trained hand of the engineer, until the untrained hand of some common laborer shovels the coal which feeds its boiler?

Skilled laborers in this country obtain the highest compensation in the world, but these high wages could not be paid if the materials of their industry were not furnished by cheaper labor. A bricklayer, who is paid, say, \$5 a day for eight hours' labor, receives a very high compensation judged by the rate of wages throughout the world. But how is it possible to pay him that amount? For remember every laborer, skilled or unskilled, must not only produce the amount of his own wages, but in addition he must produce a profit to the capitalist who employs him. It is possible to pay the bricklayer \$5 a day only by keeping him every minute of the eight hours, which constitute his period of toil, actively at the work of laying bricks. Suppose he had to carry his own bricks from the pile in which they were heaped to the place where he was working. Does anybody suppose he could earn \$5 a day, that any employer could afford to pay him such wages if two-thirds of his time were spent in carrying bricks from the ground? But this an unskilled laborer can do quite as well, and perhaps better than a trained mechanic. And under the operation of our immigration laws, an alien, an Italian, a Hungarian hod carrier is glad for \$1.60 a day to carry those bricks to the bricklayer who is thus left free to occupy every minute of his time in the higher form of industry for which he is specially trained, and therefore to produce the equivalent of his own wages and of his employer's profit.

While the high wages of the bricklayer are made possible by the laborer who carries his bricks, yet the skilled laborer is not benefited at the expense of the unskilled laborer. That Italian or Hungarian hod carrier never had wages one-half so high as he receives for aiding the bricklayer. The immigrant improves his own position considerably by performing the unskilled labor, while at the same time he contributes decisively to the welfare of the native laborer. In the light of these indisputable truths, what must be the effect of the policy which you propose on the prosperity of the American people? What will be the result of applying to prosperous conditions this jejune statesmanship, which, in the name of improvement, seeks constantly to disturb or modify the political system of a country whose history shows that its government is the best and its laws the wisest the world has ever known? Exclude immigrants from your soil, and what becomes of the bricklayer, what becomes of the engineer, what becomes of all the skilled workmen who must depend for their high wages upon the facility and cheapness with which they can secure the raw materials of their industry?

If immigrants be shut out, obviously Americans must be required to do this rude elemental work, which cannot be suspended without paralyzing the whole industrial machine. This means higher wages must be paid for it. But if the hod carrier be paid more the bricklayer must be paid less. Every building, every enterprise, every productive scheme, whatever it may be, is yielding in wages now the utmost that can be drawn from it. You can by this provision or by other legislation rearrange the distribution of the total wage fund, but you cannot swell its volume. If the wages of the hod carrier be increased, the wages of the bricklayer must be reduced, and what is true of bricklaying is true of industry in all

its branches. This vast tide of immigrants coming to our shores, seeking no advantage or privilege except to use their hands in production, take nothing from any man's mouth, but are increasing abundance on all sides. The marvelous prosperity which has distinguished this country above all others began when the tide of immigration began to flow hitherward. Our prosperity has grown with the growth of immigration, and now, for no reason that can be understood, we are asked to arrest this stream of producers, which, while improving the condition of its own units, has worked measureless improvement to this country.

I confess that I cannot understand the mental processes which have brought such a proposal before this House. I am aware that the gentleman from Colorado insists that he aims merely to improve the quality of our citizenship and the quality of immigration to this country, while gentlemen who agree with him say that we should welcome good immigrants, that we cannot have too many of them. Then, in the name of common sense, of right thinking, of profitable, not to say reasonable, discussion let us know what is meant by a "good immigrant."

I believe that we do not want linguists, but we do want laborers. I do not think we need men skillful in dialectics, but we do need men efficient in wielding implements of production. Strike out this section, and I will gladly agree to a provision which, instead of providing a ridiculous educational test, which cannot operate to exclude the really undesirable, will establish an industrial test so thorough that anyone who meets it will have proved himself an efficient laborer, and, therefore, a useful citizen.

Does the gentleman realize that the men who can pass the test which is applied in this section, or the test pro-

posed in the immigration bill of the gentleman from Massachusetts, are not men who will work at manual labor for \$1.50 a day? A man who has received such training will in the nature of things seek employment where these intellectual attainments can be turned to profit. He will compete with Americans in the field of bookkeeping, the various branches of clerical work, in journalism, or in the professions. Do we need any additional competitors in these fields?

The gentleman from Colorado seems to think that the man who can read and write is morally better than the man who, ignorant of letters, can merely work. I have never known a man working with his hands who was dangerous to any community. The pests of society—the men who imperil the existence of governments and violate their laws—are all educated to some extent, and the most dangerous are not those of least extensive reading. Certainly this section would not operate to exclude a single one of those whom we regard as peculiarly objectionable, while, as I have said, it would shut out multitudes who are highly desirable. Do you think this section would exclude the man who hurled the bomb at the procession returning from the royal marriage in Madrid on Wednesday? Would it have excluded the Chicago anarchists? Would it have excluded Czolgosz? Would it have excluded Guiteau, had he been foreign born? Would it exclude Johann Most or a single anarchist who has come here to spread his pernicious doctrines? This section might be described with perfect accuracy as a device to shut out the laborious and admit the loquacious. I appeal to the experience of all gentlemen here, and ask who are the best men morally you have ever known? Have they always been the possessors of certificates declaring them to be educated or highly trained? How many of you have met depraved men or vicious men in

the great tide that rolls every morning from humble homes to some scene of industrial activity?

I have discussed this matter solely in the light of our own interests. I do not believe that we have a right to consider proposals of legislation in any other light. As the head of each family must be governed by the interest of its members in everything he does, each government must exercise all its powers to promote the welfare of its own citizens. Still it is an inspiring and glorious feature of any political system that the laws which operate most effectively to promote its welfare operate also to improve the conditions and brighten the prospects of the whole human race. Our policy of offering free asylum and cordial welcome to all white men has been at once the wisest and most beneficent for ourselves, but at the same time it has been the most decisive contribution of all ages to the progress of mankind. All the great events of history, the struggles and tumults, the conquests and invasions, the victories and defeats of which it is a record, are merely features of an irresistible tendency to movement among human beings. That movement of races no system of political organization, no form of government, however powerful or extensive, has been able to arrest or even to check, and that movement of races has always been the result of land hunger, of an imperious demand for new lands by mouths which could no longer be fed by the lands they occupied.

It was this hunger for land that moved barbarian tribes to invade the Roman province, overturn the Empire, and wreck the monuments of ancient civilization. That same hunger kept all the nations in a state of practically perpetual war during the period known as the "dark ages." Hitherto this pursuit of land led inevitably to violence. Men could obtain access to new soil only by conquering it, and new soil was essential to their existence. And so it

came to be a general belief that the very condition of life forced men to war against each other. This belief of past ages has been refuted by the experience of this country. This soil has been the theater of a race movement greater than any the world has ever seen, yet it has involved no violence, entailed no injury to anyone, but wrought enormous benefits to countless multitudes. We have lit before the footsteps of humanity this shining truth: That men in the largest numbers can obtain access to new soil and new lands, not as foes to trample it, or as conquerors to plunder it, but as laborers to cultivate it, and while bettering their own condition, improve immeasurably the condition of those who receive them. We have changed this movement of races from a source of dread and waste to a source of confidence and abundance. The instinct which hitherto has raised the hands of men against each other in destruction, whereby all were injured, has under the benign influence of this country led them to coöperate in peaceful production, whereby all are benefited.

I appeal to every gentleman present, in the name of American patriotism, of human progress, and of Christian civilization, to maintain that policy which has been such a fountain of abundance to ourselves and such a light of inspiration to the world, to leave wide open the doors through which all the industrious may freely enter here, that hereafter, as in the past, vast masses of men, however dissimilar in language, in tradition, and in habits, may in our fields of industry—and their children in our public schools—continue to be fused into that mighty citizenship which for a century has been the strongest inspiration to progress, which is to-day the supreme hope of civilization, and which will remain its firmest bulwark forever.

X

The Law's Delays

THE evil incident to the law's delays has long been a commonplace of literature and public speech, but the task which I have undertaken presents an aspect of it, which, in my judgment, is entirely new—a recent result of conditions without precedent in the experience of mankind.

The law's delays have been subjects of complaint in every country at all times ever since civilized men have attempted the settlement of disputes peaceably, according to fixed rules which could be applied and enforced only by men of sufficient learning to understand them, as distinguished from the period when disputes were settled more roughly by rude warriors, untrained in any profession except that of arms. I do not mention these delays merely to deplore them—they have already been deplored in every age, in every tongue and in every clime—but to point out certain reasons for believing that, owing to the dominant position occupied by the courts, they constitute a peril to our system so serious that they must be ended if this Republic is to survive.

François Marie Arouet, commonly known as Voltaire, begins his "*Histoire des Parlements*,"—a work which though generally assigned to the field of *belles-lettres* is the most readable legal treatise of which I have any knowledge, by stating that if any governmental authority can

be discovered anywhere amid the confusion and anarchy in which the world was plunged from the banks of the Vistula to the Pillars of Hercules, during the period between the death of Charlemagne and the disintegration of his empire early in the ninth century, and the establishment by Louis IX of the supremacy of the French Kingship during the thirteenth century, it was in the Parlements. The term he traces to the Celtic word "parler" or "parlier," to speak, and he describes a feudal parliament as a gathering of chiefs summoned by the overlord or king—who held primacy among them rather than authority over them—to discuss matters of general importance, principally the settlement of disputes amongst their own members, as distinguished from a gathering of the same chiefs summoned by the same authority to wage war. Whether they were summoned for battle or discussion, these feudatories always attended with arms in their hands. When they met for discussion, whatever subject was submitted to them, the matter was decided upon the spot, not always according to the weight of arguments advanced but often according to the weight of arms wielded by the contending parties.

When industry began to awaken, largely as feudal laws (under which everything possessed by a vassal was the property of his lord) were relaxed in certain localities, and the inhabitants on certain conditions—usually the payment of a fixed tribute in money—were empowered to hold and enjoy at least a part of the property produced by their labor, production became active; and as property grew in volume disputes about possession and title to it arose. Peace being the condition of successful industry, tribunals for peaceful settlement of these disputes became a necessity of every industrial society. The only way in which settlements could be made at once peaceful and effective was by basing them on justice. The essence of

justice being equality, it became necessary to establish fixed rules by which all cases similar or identical in character would be decided. Obviously these rules could be applied only by men of learning—at least of sufficient learning to make themselves familiar with the rules or laws they were appointed to enforce. In those days only the clergy were instructed in letters, and therefore, the higher ecclesiastics were soon admitted to the parliaments. As property became more abundant, regard for justice grew keener and the influence of the learned man steadily rose while the armed man found himself of less and ever diminishing consequence.

The subsequent development of political institutions was the result of attempts to improve the administration of justice. In some places, as in France, the parliament became essentially a judicial body. To meet the requirements of justice, it became subdivided into several branches, each known by the city in which it sat. At the time of the revolution there were, I believe, seventeen parliaments for the kingdom. Their functions became almost entirely judicial, their legislative power gradually shrunk to a mere form. The king's edicts indeed needed to be registered by the parliament before acquiring the force of laws. But though parliament could discuss them, or remonstrate against them, even decline to register them, the king in a bed of justice could command registration, and the command, even when it proceeded from the lips of an infant, must be obeyed, and was obeyed, without a word of further discussion or one moment of additional deliberation.

The bed of justice extended its jurisdiction also to judicial proceedings. The king, as supreme head of the state, the fountain of all authority, legislative and judicial, could summon the parliament to a bed of justice, and take any cause pending before it into his own hands and dis-

pose of it as he pleased—a power that was exercised sometimes, though not frequently. One of the latest and most conspicuous instances was towards the close of Louis XV's reign, when D'Aiguillon having been charged by the parliament with a gross misuse of his office, which had resulted in plunging the whole country into starvation through a sordid speculation based on manipulation of the Corn Laws, the king took the process of this favorite into his own hands and quashed it.

In England the evolution of judicial establishment was along lines somewhat different. There the feudal system was not introduced until after the conquest of 1066. The Conqueror himself, as Duke of Normandy, a vassal of the French monarch, keenly alive to the inherent irreconcilable hostility between a feudal king and his vassal barons, sought to utilize the personal consequence acquired by his great victory at Hastings in extending the influence and authority of the Crown over the judicial establishment. In this he was largely aided by the excellent judicial system which he had found already established and in full operation. The Saxon jurisprudence established by King Alfred and perfected by Edward the Confessor, was perhaps the most perfect the world has ever seen. Its essence was to bring prompt and exact justice to the doorstep of every inhabitant. Every controversy was settled in the place where it arose. The Court of The Hundred took jurisdiction of controversies arising between inhabitants of a locality not exceeding one hundred in population; the County Court of Causes between inhabitants of different hundreds; while the Aula Regia, the Great Council of the King, exercised a general judicial supervision, moving throughout the country adjudicating controversies beyond the jurisdiction of inferior courts, hearing appeals from these decrees, laboring steadily and successfully to make justice supreme over the whole kingdom.

This excellent system the Normans adapted to the conditions established by the conquest.

The Conqueror and his successors confirmed the *Aula Regia* as a tribunal for controversies arising between subject and subject, a jurisdiction which it has exercised down to a very recent period, as the Court of Common Pleas. In causes where the Crown itself was affected, the subject addressed his appeal directly to the king in what became known as the Court of "King's Bench," because the monarch was supposed to sit there in person, though in fact the appeal was actually heard by his chief justiciary, who in discharging that function represented the person of the sovereign.

In collecting the king's revenue his officers frequently provoked complaints from his subjects. These were referred originally to certain barons charged to deal with them according to justice and the law of the land. In time it was found that satisfactory adjudication of such controversies could be effected only by men specially trained to deal with them, and thus the Court of Exchequer was established, the judges of which, down to a very recent period, were always styled "Barons of the Exchequer." By certain fictions of pleading, all distinction between the powers of these different tribunals were practically obliterated, and the Courts of Common Pleas, Exchequer and King's Bench exercised general jurisdiction throughout the country until the reorganization of the judicial system some thirty years ago.

Above and beyond all these courts was the king, charged as supreme guardian of justice, with the duty of making justice triumphant over every force or power, even over the law, where enforcement of the law according to its strictest letter, would result in the perpetration of palpable wrong. As for instance, a contract, valid upon its face, and therefore unimpeachable in a court of law, might

nevertheless have been extorted by force or induced by fraud. Should an attempt be made to take advantage of such an unconscionable instrument, the king, through the keeper of his conscience, the lord chancellor, would issue his writ prohibiting its enforcement. This was the writ of injunction which has come down to us through all these centuries and which in these later days has been much and widely discussed. This was equity as distinguished from law—a distinction originally clear and sharp, now practically obliterated by the progress of jurisprudence.

In England the exercise of the king's conscience to do equity and the intervention in France of the king in judicial proceedings through the bed of justice sprang theoretically from the same necessity of providing against injury to justice by invariable and unbending enforcement of the strict letter of the law. There was, however, one distinction between them, and it was in the highest degree important: The bed of justice in France remitted to the judgment, will or caprice of a man who happened to be king the duty of making justice triumphant over law. Equity, in England, always followed certain fixed and definite rules. The value of both was proved by the fruits they bore. The bed of justice became an instrument of oppression, a shield of wrong, a fountain of peculiar infamy. It has disappeared from civilization engulfed in the violence and ruin and bloodshed which overwhelmed the system of which it was a vicious part. Equity remains a feature—perhaps the best feature of English jurisprudence. It continues to this day a bulwark of order, a monument of civilization—the last entrenchment and strongest rampart of justice.

From all this it is clear that the growth of civilization has been the steady substitution of the learned man for the armed man in settlement of disputes.

The superiority of adjudications by rule over adjudica-

tions by force is manifest, but to such decisions two things are necessary prerequisites: examination of statutes or precedents, and deliberation on their significance or application. These, of course, involve delays and these delays have become a feature of judicial procedure everywhere. To cure these delays is no longer merely a work of merit which this government should perform to establish its excellence, but a work of necessity, which it must perform to maintain its existence. For while delays in judicial procedure are common to every form of civilized society, they have assumed in this country a peculiarly sinister aspect, owing to the dominant position occupied by the courts under our form of government.

In other countries they are blemishes upon one feature of the public administration; in this country they are abuses which imperil the foundations of our whole political system.

At first blush this may seem like the language of exaggerated rhetoric. Slight reflection will convince any thoughtful man that it is a sober statement of actual conditions.

It has been a feature of great events in the history of the world that frequently they passed without attracting much notice from the generations witnessing their accomplishment. In all ages men have participated in momentous transactions deeply affecting civilization without realizing the magnitude of the movements to which they contributed. And so, few of us have realized the tremendous and ominous significance of this one element in our political condition which the last few weeks have made conspicuous.

The courts, which since the establishment of our government have been objects of universal respect and admiration, have become within the last few weeks objects of discussion and even criticism. Now the force and effect

of that change in the popular attitude toward the judiciary few of us, I fear, have paused to realize, and yet if there be any fact established by the history of the world and of the nations into which the sons of man have at different times become organized, it is that in every government, every political system, whether it be a republic, a despotism or an oligarchy, there must be some feature commanding universal respect and attachment amounting to reverence, or the system itself is doomed to destruction. It may survive a while but the seed of death is in its body. All the forms of government may survive, its display may be more splendid, its officers more numerous than ever, but none the less its final collapse is a mere matter of time unless the universal attachment which it lost is regained.

In a monarchy, though it be absolute, though there be no legal check on royal authority, yet if the king be not universally revered as the embodiment of justice and law, the kingship itself is doomed. A monarch may still have a large army apparently subject to his command, fleets nominally his may still ride the seas, the courts may be his servile instruments, parliaments of councils of state, mere machines to register his decrees, yet the moment universal reverence is withheld from him the end of his authority is in sight. A system that is doubted by its own subjects is a system that is in danger, a despotism that is discussed is a despotism that is doomed.

Charles the First refused to recognize this truth and in attempting to violate it he lost his head and he lost his crown. The doom of his pretensions to boundless prerogative was pronounced not when he mounted the scaffold, at Whitehall, not when he heard Bradshaw pronounce sentence of death in the High Court, but when surrounded with armed men he appeared in the House of Commons and seating himself in the speaker's chair, de-

manded that five members be delivered up to him. When the speaker, instead of obeying, answered: "I have neither eyes to see nor lips to speak except as I am commanded by this House whose servant I am," those words spoken with every outward manifestation of respect and homage by a man kneeling on the floor nevertheless pronounced the death knell of the man seated in the chair, because they were applauded by an overwhelming majority of the people. Absolutism thus challenged, denied, disputed was then and there overthrown—even though for several years afterwards the king continued to assert it—and armies supported his assertion.

Carlyle dates the fall of the French monarchy not as do other historians from the convocation of the states general in 1789, but from the death of Louis XV. That king, who thirty years before was an object of such attachment and reverence that when he was supposed to be fatally sick at Metz, the whole population crowded into the churches praying fervently for his speedy recovery, died at Versailles in 1774, without any expression of regret, or even of interest, beyond an occasional ribald jest, from the people he had oppressed. And the decline from universal respect to universal reprobation and scorn thus made manifest was held by the author of the French Revolution to be the real overthrow of the kingship.

I myself should fix the end of the French kingship a few years further back when the Parliament of Paris having undertaken to remonstrate against the royal edicts imposing cruelly oppressive taxation was summoned to a bed of justice and there commanded to register them forthwith, which command having been obeyed silently but sullenly, the next morning the pedestal with the figures Power, Peace, Prudence and Justice, at its four corners which supported the statue of the king just erected in the new Place Louis Quinze, now known as the Place de la

Concorde, was found to have inscribed on one of its sides the famous couplet:

Oh, the beautiful statue, oh, the splendid pedestal—
The Virtues are on Foot and Vice is in the saddle.

The derisive laughter of the Parisian populace gathered round these lines decreed the end of the institution whose living embodiment was thus reviled, and foreshadowed clearly and inexorably the scaffold erected by the next generation on the same spot for the execution of that king's immediate successor.

Wherever on the other hand, political institutions are popular, wherever they are held in universal respect, the government of which they are features is always growing in power and consequence, not necessarily by any specific grant of authority but by the stronger force of popular sanction. The highest grant of authority any political system can attain or enjoy is approval of the people affected by it. In England, for two centuries, the Parliament has been an object of popular reverence and there the power of Parliament has become supreme. Theoretically the king is still the fountain of law. Every statute begins with a declaration that it is enacted by the King's Most Excellent Majesty—the Lords Spiritual and Temporal and the Commons being described as merely assenting and advising. But as a matter of fact during the last two hundred years the voice of the Commons has been dominant in the state because that body clearly enjoyed the largest measure of popular respect and therefore was held to voice most faithfully popular will. The government built upon full recognition of this predominance is one of the most stable in the world.

With us the judiciary is the one feature of government which since its foundation has grown steadily in public

repute, until at the conclusion of the nineteenth century it dominated our whole constitutional system. And as the judiciary grew in public esteem so also the system of which it is the principal feature has grown in strength and security.

In a political system where everything is regulated or at least deeply affected by party discussions and party interests—where matters not merely of national policy, but details of administration down to the selection of local policemen and street sweepers—is governed largely by considerations of party advantage, the judiciary, by common consent, has been held above and beyond the domain of legitimate partisan activity.

Even so late as twelve years ago criticism in a party platform of a judicial decision reversing by a majority of one the position taken unanimously by the same court on an identical question some years previously, provoked such a storm of protest, that it was held by many to have explained the catastrophe which subsequently overtook the party adopting it.

Now, all that is changed. The courts recently have been criticized freely, in some instances condemned openly. These criticisms are no longer confined to the reckless, the obscure, the degraded, or the rejected of the people. They have been voiced by many men in high position including among their number an official no less exalted than the president of the United States. And far from suffering a loss of popularity in consequence, we have actually seen him within a few days exercising extensive—some say decisive—influence over the convention called to nominate his successor, and which at his suggestion (as is generally believed) embodied in its platform a declaration amounting in effect to a criticism of judicial efficiency. All this amid demonstrations of approval, popularity, and attachment which no other incumbent of this great office ever enjoyed at the opening, much less at the close of his term.

It is true that the reference to the courts finally adopted by the late Republican convention merely declares that, hereafter, injunctions should not be granted, except as they have been granted. Still the declaration that something (though precisely what, is not made clear) should be done to improve the administration of justice, amounts to a distinct statement that something requires improvement. It is undeniable that the object of mentioning the courts was to satisfy a large body of voters whose attitude toward the judiciary for many years has been one of outspoken complaint and undisguised distrust. This taken in connection with the strong probability (amounting to a certainty) that criticism of judicial procedure is likely to be much more outspoken in the platform of the other party is a fact of transcendent importance in the evolution of our system.

Now it is easy to decry these criticisms and denounce them as mere evidences of a tendency to anarchy and disorder. None the less they are so widespread that both parties feel impelled to reëcho them, and this remains a fact portentous and conspicuous, a fact that cannot be denied, that no sane man will undertake to ignore, which lawyers and judges are especially bound to measure and meet.

Herbert Spencer opens his elaborate exposition of his philosophy by stating that as there is a soul of goodness even in things evil, so also there is a soul of truth in things erroneous.

We have seen that there is a soul of goodness in the evil things which we have been discussing and deploring—the law's delays—*i. e.* that they are the direct results of attempts to improve the relations of men to each other in civilized society. And so even assuming that these criticisms of the judiciary are in the main, erroneous, yet it is certain that there is a soul of truth in them, that there

is in our judicial system some defect which will explain even if it cannot justify this recent unmistakable decline of the courts in popular respect. This defect it is the duty of lawyers to discover and by remedying it, dispel the errors it encourages, the criticisms it provokes, the distrust it engenders, the danger it portends.

One thing is absolutely clear. From this cloud of examination, discussion and criticism, in which they are now enveloped, the judiciary will either emerge triumphant, strengthened, immune hereafter from criticism, or even discussion—except so far as expressions of praise and confidence may constitute discussion—or else it must perish as an independent feature of government, and decline to the subordinate position occupied by courts of law under other political systems.

In other countries the courts are restricted to adjudicating controversies between individuals without any power to annul or review legislative enactments. To restrict them similarly in this country would change the whole structure of our government radically, completely, and as I think, injuriously.

This government having been formed above all to establish justice, as appears by the first words of the preamble to our Constitution, the courts inevitably became its dominant feature. Obviously no agency except a judiciary entirely independent could administer such a system effectively. It is the distinctive feature and crowning glory of our government that like the Christian revelation, it is established "*propter homines*" on account of men. All its operations being intended for the benefit of men, all its beneficence is exercised through the medium of the judiciary. Only through the direct intervention—or with the permission and sanction—of the judiciary, can the government come in contact with the citizen. The legislature cannot disturb my property or restrain my

liberty. It cannot by bill of attainder consign me to the scaffold. It cannot take one penny of my possessions or affect them except as it affects the possessions of all my fellows. It cannot levy a tax to impose a duty on me except with the permission of the courts. As the courts exercise absolute power to determine whether each act of the legislature is of binding effect or of no force whatever, it follows that the legislature cannot enact laws. It can only propose laws which the judiciary rejects or sanctions according as the judges consider that the Constitution has been obeyed or disregarded. Neither can the executive affect the citizen except through the courts. He cannot touch a hair of my head; he cannot regulate the clothes that I wear; the means of transportation I employ. The most he can do is to set the law in motion against me if I have violated its provisions. The result of such action on his part is determined ultimately by the judges alone. The judiciary is then the sanctuary in which the ark of our political covenant is deposited—the instrument by which the powers of government are not merely interpreted and defined, but the one through which they are enforced—made effective for the protection of all citizens.

While we maintain this political system, we are not free to elect between an independent judiciary and some other body as a final depositary of governmental power. The functions which have been exercised triumphantly by the courts in this respect, no other agency could discharge effectively. We must entrust the final protection of our government to an independent judiciary or we must abandon that form of government. There is no other alternative. Either the judiciary must be maintained in the position established for it through the evolution of our system, or else we must abolish the system itself. In the last analysis, the alternative before us then is preservation of the courts with the powers they have, or

collapse of this Republican government as it has been evolved through operation of our Constitution.

Assuming as I do, that no one desires or could contemplate with patience a proposal to abolish or abandon our government as it exists, it follows that the most pressing necessity of our security is restoration of the courts to the respect and confidence that they enjoyed during the last century. How is this to be accomplished? Manifestly, the way by which universal respect amounting to reverence was originally acquired, is the surest if not the only way by which it can be regained.

The distinctive power exercised by the American judiciary—which is also its greatest function—the right to set aside legislative enactments and supervise every exercise of authority that brings any department of government in contact with the citizen, was not expressly conferred upon it by any distinct provision of the Constitution. It was deduced from all the provisions of the Constitution by that master of judicial construction, John Marshall, in the case of *Marbury against Madison*. That decision of itself, however, could not have sufficed to establish the great and beneficent force which has held this Republic together, making every one of its operations a contribution to the welfare of its citizens and to the growth of civilization throughout the world. It required beyond Marshall's enunciation of the principle, ratification and approval of it by a practically unanimous people. That approval it obtained and has enjoyed down to a very recent period.

The question whether the judiciary can be maintained in the exercise of those powers peculiar to our form of government, depends upon whether it can reestablish itself in that unanimous public approval, which it enjoyed during the century of its remarkable growth. Before that question can be answered, we must consider how it has come to pass that the courts from the height of universal

confidence and respect which they occupied for a century, have sunk into the lower region of discussion and even criticism in which we find them today.

In my judgment, it can all be explained by the law's delay. Remove these delays and every ground for legitimate criticism of our courts will disappear, and with every ground of criticism removed the voice of criticism will no longer be heard in the land.

If we consider only the declarations of political conventions or the speeches of political leaders, it would seem as though criticisms of the judiciary are confined to the manner in which writs of injunction have been used, and in which proceedings to punish persons accused of disobeying them have been conducted.

This in my judgment would be to mistake mere surface expressions of distrust for its deeper and more serious causes. The real cause of popular distrust, I believe, is the unmistakable fact that while our courts have shown themselves extraordinarily effective, in protecting property from injury by violence, they have broken down utterly as means of defending property from injury by fraud, where frauds of enormous extent are perpetrated by men of great wealth.

Everyone knows that it has proved impossible for striking laborers to support their demands by the slightest threat of violence, open or veiled, without coming in conflict with an injunction order, and wherever violation of its terms could be proved, punishment swift and severe has inevitably followed.

It is equally notorious that although stupendous crimes have been perpetrated by officers of industrial corporations against property entrusted to them, not one has been prevented, impeded or embarrassed by writ of injunction. Not a single criminal of that class has been prosecuted, much less sent to prison. Hardly one has even been driven

from the trust he has betrayed. The concerns shown to have been looted are still administered by the persons who have despoiled them. It is true that where some eleemosynary institutions were shown to have been plundered grievously, the ostensible heads of them have been displaced, but the graver offenders, the men whose instruments these officers were, are still in control of these great corporations. The net result of investigation and exposure has been that a few faithless officers, who, by allowing their misdeeds to be discovered and exposed had shown themselves inefficient agents of corruption, have been replaced by others, who presumably will profit by the lessons of experience and take particular care that no quarrels among themselves shall again be suffered to let the light of publicity expose their operations to public scrutiny and public condemnation.

Now, of course, I do not mean to contend that because the courts have proved inefficient in preventing commission of great crimes against property by officers of corporations, therefore, judicial interference to prevent crimes against property by violence should be condemned. Credit of the judiciary for impartial administration of law is not to be recovered by making it inefficient in two directions, where now it is inefficient in one, but by making it thoroughly efficient in both directions—aye, in all directions. Nevertheless, it must be admitted that failure to enforce law in one direction is accentuated—made more conspicuous and therefore more demoralizing—by singular efficiency in enforcing the law in another direction. I beg you to believe that if I call your attention to these inequalities it is not with any purpose of criticizing the courts where they have proved effective but in the hope that we may be able to suggest something likely to stimulate their efficiency in the field where they have proved ineffective.

Wherever the courts have proved ineffective, wherever justice has been thwarted, impeded or defeated, I venture to say it will be found that delays in legal proceedings were the agencies by which her progress was embarrassed and her purpose frustrated. So far as I know there is not in this country any general complaint that the final decisions of legal controversies have been inconsistent with law or justice, but there has been universal complaint of delays by the courts in reaching their conclusions. If we could make judicial procedure prompt as it is pure, we would have justice well nigh perfect reigning over our country.

It may be objected that what is known as the anti-injunction agitation rests on a belief or assumption that the courts have been too prompt rather than too deliberate in their procedure where it concerned the issue of injunction orders, but I think that this will be found a shallow and superficial view of the matter. Here, too, the real grievance—the source of the grievance that all fair-minded men must concede to be real—is delay—delay in settling and determining the rights of parties.

What are these complaints we hear about injunctions? Well, they are two-fold. One concerns the issue of injunction orders *ex parte*, the other the method of procedure where persons are accused of violating them.

The first can most assuredly be ended completely by ending delays which under existing conditions are features of these proceedings. The second presents a different and more perplexing difficulty.

As to the first—It is said that a temporary injunction often imposes on striking laborers conditions so onerous that they cannot maintain peaceful discussions or arguments with men invited to fill their places, without serious risk of being pursued and punished for contempt of court, and that this order, though by its terms described

as provisional, interlocutory or temporary, is nevertheless in practical effect a permanent order, because through delays before the return is made or delays in disposing of the matter after its submission to the court, the order is continued in force over the period during which a strike can be maintained under ordinary conditions. If this be so, it is a serious abuse, of which the victims have a perfect right to complain. Even though it be contended that delays in these proceedings have never actually resulted in such an injury to any one, the undeniable fact that they are capable of resulting in such abuses constitutes a serious blot on our judicial system.

The remedy usually suggested is to forbid altogether the issue of injunctions except on notice. This in the opinion of many, would materially, perhaps fatally, impair the effectiveness, and therefore the value of preliminary injunctions. To me it seems absolutely clear that this abuse can be remedied without emasculating seriously or abolishing entirely a feature of our jurisprudence sanctioned by centuries of experience, and which has often proved effective to arrest the commission of wrongs that if once perpetrated would have been irremediable. The remedy, I venture to submit, is not in abolishing the *ex parte* injunction but in making it actually what it is claimed to be—a restraining order so entirely temporary that under no circumstances could its operation injure any one before he can be fully and completely heard. Where an injunction is issued *ex parte*, the party who persuades a court to grant an order so important without previous notice to the persons who must be seriously affected by it should be required to hold himself ready to justify it at a moment's notice.

The order should be made returnable forthwith; no delay in the hearing should be granted except at the request of the defendants; and the motion once submitted should

be decided upon the spot, or within twenty-four hours at the latest. There could be little reason for requiring notice of an application for a preliminary injunction when the period between service of an *ex parte* order and decision of the motion dismissing or continuing it, would be so brief as to be negligible.

The proposal that a court should be denied power to decide for itself by summary proceedings whether its order has been violated suggests a change in our system of jurisprudence far more radical than many of its supporters, in my judgment, realize. Indeed, I think discussion of it would be considerably modified if its full significance were more widely appreciated. Let us see if I can make this clear.

While every one concedes that the power to issue injunctions should be left with the courts and that violations of them should be punished, some insist that power to decide what constitutes a violation should be exercised not by a judge of the court but by a jury. This in effect is a proposal to substitute for the summary proceedings by which courts of equity have established their authority, a system of procedure by which violators of injunctions would be placed on the same footing as other offenders against the law, except that proceedings against persons accused of contempt must be by information, instead of by indictment, and the information instead of being lodged by the attorney general or the local prosecuting officer, must be lodged by a judge of the court whose order has been violated.

In the judgment of many, such a proposal if adopted would plunge the administration of law, so far as this branch of it is concerned, into such confusion that it would amount to practical abolition of injunction proceedings. A judge who believes his authority to have been defied, before he could take any action to vindicate it, must ob-

tain the finding of a jury that his belief is well founded. The mere submission of such an issue to a jury would of course be tantamount to an assertion by the judge that his authority or that of his court had been defied. Suppose the conduct which the judge considered a contempt should be declared by the jury not a contempt but a compliment, what would be the effect on this branch of judicial administration? In the opinion of those who are opposed to the proposal it would make the outcome of attempts to punish for violation of injunctions so doubtful that they would seldom, if ever, be undertaken, and if violations of injunctions cannot be punished promptly and effectively, the practice of issuing injunctions would sink into decay and ultimately be abandoned. I think it is fair to assume that such a radical change in procedure amounting to a revolution in our judicial system would be opposed vigorously by many men who sympathize largely with the objection to prolonging through delays the operation of injunctions issued *ex parte*. However this may be, we should proceed at once to remedy an evil on the existence of which all men are agreed, without waiting to reconcile views on a subject where divergence of views is wide and deep. Every one agrees that delays between the issue of an injunction *ex parte* and decision of the motion to dissolve it, or continue it, *pendente lite*, is an abuse and a serious one. It is an abuse that could be remedied by the simple expedient of making the return immediate, granting no delay except at the request of the defendant, and rendering decision immediately after hearing the parties. This reform effected, we might well wait to see whether additional charges of procedure would be demanded by any substantial portion of the people.

The law's delays always operate unequally. In every country and under every political system they have been weapons which only the rich man can employ because he

is alone able to retain the lawyers who know best how to invoke them. This abuse in this country is peculiarly oppressive. Here we have the most rapidly growing population in the world, and here a large and ever growing proportion of the population is steadily centering in cities.

Not merely are our cities growing more rapidly, but agencies for transporting men and materials are more extensively employed in them than anywhere else in the world. In these great hives of industry, accidents are every day growing more frequent—some of them undoubtedly manifestations of Providence; most of them results of greed or carelessness. The wretched victims of negligence are promised by the law such compensation as money can give, but owing to the law's delays, this remains a mere promise that encourages hope rather than a reparation that brings relief. Wherever a street car or other means of transportation operates through an industrial community—wherever a population reaches sufficient numbers to make public franchises valuable and their operation extended, there we find, in steadily growing numbers, families of persons who have been killed—men, women and children wounded, maimed, rendered helpless by the neglect of men operating some public utility, their right to recover compensation undenied and unquestioned, but actual recovery of damages practically defeated. And how is justice withheld from them? By the very courts organized to do them justice.

Every claim for compensation is disputed—every action to recover damages defended without the slightest regard to the merits but solely for delay—that the miseries delay inflicts upon these unfortunates may force them to compromise their claims on ridiculously inadequate terms. Were I myself consulted by the victim of an accident due to gross negligence, though I felt perfectly confident that a verdict of \$5000 would be rendered by any jury to which

the cause would be submitted, yet face to face with the delay of three or four years which can be imposed by the tort-feasor—measuring all the chances of error in the various steps through which such litigation must pass—I would advise that unfortunate creature to accept \$2500 or even \$1000, if such a sum were offered in settlement.

When we consider the theory on which appeals—the chief causes of delay—are allowed (the reason assigned to justify them is that they operate to make the law more perfect because more equal) and then measure the evils wrought by these delays among the poorest, the most wretched and the most unfortunate of the entire population, are we not face to face with a hideous contradiction between the purpose at which the law professes to aim, and the result which it actually accomplishes? When maimed and injured victims of greed and carelessness are forced to bear such hardships and wrongs that some theoretical perfection may be added to the body of the law, it would almost seem as though in this land of liberty, light and progress, we were immolating human sacrifices to the welfare of society.

It may be said that delays in recovering compensation are suffered by victims of similar conditions in other countries. Even if that be so, as a general proposition, the evil nevertheless assumes a peculiarly aggravated form with us because here the operations of production being more active and more strenuous, the victims of carelessness or greed are vastly more numerous than anywhere else on the globe. And here everyone of these unfortunates who is prevented by the law's delays from obtaining reparation is an additional reproach to our judicial system—and a new source of dissatisfaction with the courts.

Passing from the weakest and most helpless elements of the community and the manner in which they are often deprived of justice, let us see how the law's delays are em-

ployed by rich and powerful men to defy, obstruct and defeat the government itself.

Some years ago a man, at the head of a great railway company, was examined by the Inter-state Commerce Commission—a body empowered to investigate the operation of such corporations. Some of the questions touched the manner in which he had administered his great trust—whether he had administered it according to the rules of common honesty for the benefit of the stockholders and the public or to despoil it for his own benefit. He refused to answer. The commission applied to the court for an order compelling him to answer. The court granted the application but the question remains unanswered, although the judicial proceedings have been pending some two years. The judgment of the lower court may ultimately be sustained by the highest court, but it will not be until the century has grown so much older that the answer will fall upon the ears of a generation which has forgotten the whole transaction.

In the meantime, that man who has defied the government and the court has obtained control of another railway system. His power to do the very things which he could not deny having done when questioned has become greater than ever. And so the courts, instead of enforcing the law, are actually interposing by delays a shield between this man and obedience to the law.

Again it may be said that such delays are incidental to the judicial system of any country. That may be so to some extent. But in one respect—and a very important one—the vice of these delays is peculiar to this country. Here men who control transportation facilities exercise a power over the lives and property of their fellow citizens, which is entirely unknown in other countries. There is no protection for the ordinary American citizen against unequal and therefore unjust rates, which may affect seri-

ously his prosperity and even entail his ruin, except examination and supervision by the government. Here is a delay which totally defeats the object for which an examination was begun into the operation of an important public agency. It is something much more than a mere miscarriage of justice in the course of litigation between individuals. It is an injury which strikes at the very heart of government itself.

Without occupying further time in showing how delays which are incidental to judicial procedure everywhere become peculiarly vicious in this country, I ask your attention to a feature of them that is entirely peculiar to us owing to the dual system of government under which we live.

We all agree in substance with Mr. Gladstone, that this dual system has for generations proved the most perfect device, for regulating the political conditions of a free people, ever stricken off at a given time from the brain of man. By distributing the various powers of government so that the people of each locality exercise a complete control over matters in which they have the deepest interest and with which, therefore, they are the most competent to deal effectively, while empowering a Federal Government to exercise unquestioned control in matters of general concern, a state of peaceful civilization was established more perfect, happier, more abundantly blessed than any the world has ever seen. But of late years this system has been perverted from the purpose to which by the first words of its Constitution it is dedicated—the establishing of justice—to the obstruction if not the defeat of justice. When a wrong doer on a stupendous scale, whether an artificial or a natural person is pursued either in the courts of the United States or of some state, he seldom if ever denies his guilt, but always pleads no jurisdiction and thus arrests pursuit at its very threshold and detains it

there for an indefinite period. If pursued in the state court he betrays singular sensitiveness about the supremacy of the Federal Government, insisting that the United States alone has the right to question him. If pursued before a Federal jurisdiction he at once professes himself alarmed about the growth of Federal authority and insists vehemently that to make him answer for his conduct in a court of the United States is to invade the reserved rights of the states.

It is no exaggeration to say that the facility with which efforts to prosecute perpetrators of serious offenses, or to reform crying abuses, can be impeded by raising these questions of jurisdiction and the long delays which are suffered to elapse before they are adjudicated, has so discredited the Constitution that in the minds of many it has come to be regarded as a labyrinth where the footsteps of justice always go astray, but where the rogue, able to employ the legal minds most familiar with all its passages and windings, is able not only to find a secure refuge from pursuit for past offenses, but can plot fresh schemes of plunder against the helpless community on which he fattens.

But you may ask how do the law's delays operate to produce these shocking conditions. I will tell you. When a case has been decided by a judge of the State Supreme Court, to whom it has been submitted, it goes to the Appellate Division of the same court, and from there to the Court of Appeals. This will consume at least three or four years, to say nothing about further delay should it be sent back by either or both of these tribunals to supply some technical omission or to expunge some technical redundancy. Certain it is that before a final conclusion can be reached many years must elapse.

These delays, which have grown until they cast such deep discredit upon the judiciary, are not fruits of de-

liberate depravity. They are due largely to misconception of their significance—I may say of their enormity. For centuries delays in legal procedure have been accepted as incidents of litigation rather than condemned as positive abuses. Judges grant them as matter of good nature. Lawyers agree to them as matter of courtesy among each other. Few, I fear, realize that they are discrediting deeply the whole judicial establishment. To dispel this apathy is the first step toward effective reform. These delays will be ended when bench, bar and community realize that to delay justice is but one shade less corrupt, criminal and debased than to sell justice. I do not think I am exaggerating when I say that if these delays be not ended, demoralization of the body politic, especially in matters financial, will not be confined to the Atlantic seaboard nor to a few great cities. It will extend its corroding, blighting course into every community where business interests are extensive and where attempts to violate law are employed.

Am I then to stop here, and after describing conditions which are much worse probably than you have realized, fail to suggest a remedy for them? That would be to preach a lesson of despair, while I am here in the hope that I can offer a suggestion of improvement. For this abuse there is, it seems to me, a remedy ample and complete—a remedy so simple that its very simplicity probably explains why it has not been long since applied. At the last session of Congress I introduced a bill providing for the appointment of a commission to consider and report whether it be possible, by modification in the law, reorganization of the courts or otherwise, to establish a system of procedure under which every action, proceeding or controversy begun in a court of the United States could be terminated within three months from the service of the initial process. It must be clear that unless our polit-

ical system can be made to effect settlement of controversies in some such limit of time as that fixed in this measure submitted by me to Congress, it cannot be said to maintain justice, and a system which fails to maintain justice full and complete is doomed to destruction.

Is such a reform as I have outlined practicable? Is it feasible to reduce delays so that every case begun in a court of this country can be prosecuted to final adjudication within three months? Since coming here I have inquired into the condition of litigations in your State of Ohio, and I find that they are very much the same as in my own state. In large communities it is impossible to get a cause finally adjudicated in less than two or three years. It cannot be reached for trial inside of a year at the earliest. What substantial, immovable reason is there why every cause could not be tried within thirty days from its commencement? It may be said that there are not enough judges to render such expeditious service. Then why not revert to the old practice of the English kings when the jails were crowded? A special commission of Oyer and Terminer and General Gaol Delivery was appointed, and it sat till every prisoner was tried and the gaol delivered of its inmates.

When courts are congested in this country, why could not special commissioners be appointed to hold jury trials, so that in every county the calendar would be cleared at the end of each month? Masters are appointed now in the United States Court to take testimony and frequently to report their conclusions. We appoint referees in the State of New York to try cases involving especially difficult questions of law and fact. How, then, could there be any objection to appointing sufficient commissioners to try simple issues of facts with the aid of a jury? Is there anything extravagant or startling or unreasonable in such a proposal? The power to appoint these commissioners

might be vested in the Supreme Court, the Circuit Court or the Common Pleas judge. If all your trial calendars were cleared every month, what do you think would be the effect on litigation? When it became clear that every cause would be tried so promptly, answers purely for delay would seldom be interposed, and the volume of litigation would be decreased at least 25 per cent.

An appeal should be taken within ten days from the decision. If a party cannot decide within ten or even five days whether he is sufficiently injured by a decision to justify him in appealing from it, he is not justified in appealing at all. Is there any reason why every cause should not be heard by the Appellate Court within ten days after the appeal is perfected, and decided within ten days after its submission? If a second appeal be allowed, there is no reason why it should not be taken, argued and decided within the same period.

Every one, I think, will agree that such a reform, if feasible, would be in the highest degree desirable. But doubts are expressed of its feasibility. Why is it not feasible? The only reason I can conceive is that under such a system judges would not be allowed sufficient time to write out opinions explaining their decisions. But it is not essential that the opinion of the judges should accompany their decisions. The decision, of course, is one thing; the opinion of the court is another. The decision affects the parties and the parties alone; the opinion concerns the whole body of the public. It has always seemed to me palpably unjust that litigants should be compelled to await the decision of matters in which their interest is vital until completion of a contribution to general jurisprudence, in which their interest is but that of the community. I do not undervalue judicial opinions. I acknowledge their importance and weight in the development of jurisprudence. But there is neither sense nor justice in un-

necessarily making them a burden on litigation. Let the opinions be published when the judges think proper, but let the decision, which is a right of the litigant, wait upon nothing except justice and the necessities of justice.

In judicial procedure, as in all other departments of activity, the growth of invention and the efficiency of modern labor saving devices should be utilized. The time allowed for preparation and interchange of pleadings remains now as in the days when every paper was written out carefully and laboriously. The same length of notice is still required as in the days when lawyers traveled by stage coach to the circuit town and when a mail service depending on horses was the only means of communication by writing. Today, when the typewriter and the stenographer, the telephone and telegraph, the railway and the automobile, are saving time and labor everywhere, in legal procedure alone no economy has been effected. All this should be changed. Instead of lagging behind other avocations, our profession should take the lead in making the inventions of men agencies for saving time in settling their disputes.

It will, of course, require legislation to modify rules of procedure so that a few laggards in the profession will not be allowed or empowered to obstruct the course of justice and impair its credit. With the law modified in this respect, it needs but earnest coöperation of bench and bar to make the reform complete, effective and durable. Every judge must realize that an old issue upon his calendar is a discredit to his court and a disgrace to himself. No misconceived notions of courtesy among lawyers should be allowed to delay the prompt administration of the law. No agreement among counsel should be suffered to prolong litigation. Even if the parties to an action and all the counsel should combine to postpone its trial, the case should be stricken from the calendar unless under excep-

tional circumstances. Where every case could be tried within thirty days, striking it from the calendar would involve no serious delay and therefore would entail no hardships.

My friends, if this reform be accomplished, if the courts become thoroughly efficient agents of justice according to this standard of efficiency, all the meritorious work they have done, all the splendid contributions they have made to the progress of civilization since the organization of this government, are but faint indications of the more decisive service they will render in the wider field to which modern condition invites them.

How was it that Louis IX succeeded in establishing the over-shadowing authority of the French kingship in making the fierce barons, who had so often defied his predecessors, acknowledge not his primacy, but his supremacy? He was not as successful in war as others who had failed in the task which he accomplished. He did not acquire extensive territories. He had wasted vast treasures and many lives in two crusades, and yet he came back to the country which he had impoverished by unsuccessful adventures, and established his kingship so firmly that for five hundred years it remained the power which overshadowed all others in the country. How can this success in the teeth of so many disasters be explained? Voltaire would have us believe that, having led the French nobles to waste their fortunes in unsuccessful military ventures beyond the seas, Louis took advantage of their poverty to extend enormously the power of the crown. But, while Voltaire is generally accurate in his statements of fact, it would be very unsafe to adopt the conclusions he draws from them. It was not by doing injury to the nobles, but by doing justice to all men, that St. Louis established his authority. Listen to this extract from his chronicler, Joinville:

Many a time it happened in summer that the king went and sat down in the wood of Vincennes after mass, and leaned against an oak and made us sit down around about him, and all those who had business came to speak to him without restraint of usher or other folk, and then he demanded of them with his own mouth, "Is there any one who hath a suit?" And they who had their suit rose up, and then he said, "Keep silence all of ye and ye shall have dispatch, one after the other." And he called my Lord Peter DeFontaines and my Lord Geoffrey Devillette [*two learned lawyers of the day and counsellors of St. Louis, as Guizot explains*], and said to one of them, "Dispatch me this suit" and when he saw aught to amend in the words of any who were speaking for another, he himself amended it with his own mouth [a very early instance of amendments to pleadings in the course of trial]. I sometimes saw in summer that to dispatch his peoples' business, he went into the Paris garden, clad in camelet coat and linsey surcoat, without sleeves, and a mantle of black taffeta around his neck, hair right well combed and without coif, and on his head a hat with white peacock plumes, and he had carpets laid for us to sit around about him. And all the people who had business before him set themselves, standing around him, and then he had their business dispatched in the manner I told you of before, as to the garden of Vincennes.

There lies the explanation of St. Louis's influence on his own age and on the generations that followed him. It was by zeal and efficiency in dispatching the controversies of men—mark that expression, in dispatching their controversies—that he established the French monarchy, which for five hundred years survived the discredit brought upon it by the vices of his successors.

Dispatching the business of litigants—that is the object which American judges must pursue diligently, which lawyers must loyally aid them to accomplish, if the American judiciary is to fulfil the high mission which Providence appears to have imposed on it. Never in the

history of man was the field of judicial labor so wide. Never was judicial service of the highest character so essential to the well being—aye, the existence—of society. The importance of the judiciary, in the nature of things, must grow as the matters requiring action by government become more complex and more difficult. The questions now arising in the pathway of the republic and of civilization cannot be settled by legislative enactment or executive action. They can be solved only by judicial decree. The problem now before us is not to enforce justice upon violent men who are impatient of it, but to ascertain where justice lies in perplexing controversies and make it clear to men who are eager to obey its requirements. Franchises granted for the public welfare are found in many instances to have been abused for the oppression of some and the enrichment of others. What duty to the public does justice impose upon the men operating these great public utilities, what return for rendering it should be yielded to the stockholders?

The enormous growth of wealth has led to fierce quarrels between the elements by whose coöperation it is produced. In the course of these struggles industry is frequently suspended and the public peace sometimes endangered. Where is the line inside of which expostulation by the laborer with his fellows is lawful and therefore to be protected, beyond which it becomes a threat or intimidation which justice condemns and the courts must prevent? All these are grave questions that cannot be settled by legislation. It is impossible to anticipate by any legal provision the varying aspects which they at different times might assume. Each question or difficulty must be decided as it arises by judicial decree. As each case is decided after full argument and patient examination by minds trained to such difficult labors, a body of law will be finally evolved so complete and so perfect, that

law and justice will be plainly identical. In these days justice need only be made conspicuous and it will be universally respected. The perils now threatening society will be averted; at least the most serious of them will be dispelled. The cloud overhanging industry will be lifted as men obedient to Justice realize that it is wiser to employ their energies profitably in production than to use them wastefully in contention. Peace being made perfect, prosperity will become abundant beyond our power now to measure. To achieve these glorious results nothing is essential except a judicial system thoroughly efficient. To make the efficiency of our judiciary complete, it is only necessary to modify existing procedure and customs so that controversies will be decided as speedily in the future as they have been decided impartially in the past. To make the future of our republic absolutely secure, its influence boundless, its duration endless, its beneficence measureless, it is only necessary that our judges become efficient agents of prompt justice and thus make our courts the impregnable citadels of perfect justice.

XI

The Cost of War

THE great conflict now raging in Europe is the most dreadful that has ever afflicted the world, not because of the fields it has ravaged, the cities it has ruined, or the number of human lives it has cost; but because agencies established to facilitate the beneficent enterprises of peaceful civilization, have been perverted by it to rendering more deadly and more effective the savage enterprises of war. In all previous wars the theatre of conflict was confined to the surface of the earth and of the sea. Now it has been extended to the atmosphere above the earth and to depths far under the sea. The victims of battle no longer fall before the blows of enemies who face them. Death rains down from the clouds on men concealed in trenches. From the depths of the sea invisible engines of destruction approach giant ships and in an instant thousands are engulfed in swirling waters without a chance to strike a blow in their defence.

These agencies of destruction are of such frightful efficiency that the victims of this war are said to number already two millions, and if it be continued until one side or both sides shall have been exhausted, practically the entire active manhood of Europe must be exterminated.

Yet although this war is the most destructive ever waged by human hands, I do not believe it is necessarily a cataclysm in which the existing social order must be engulfed. On the contrary, I believe it may prove to be one

of those profound dynamic movements through which Christian civilization at recurring intervals has been found ridding itself of tendencies and customs that were vicious or outworn, and which therefore, restricted or embarrassed its progress, before undertaking another forward movement of decisive importance and enormous value.

Every great movement of the race has been preceded by some profound convulsion; the extent of the movement being always proportioned to the violence of the convulsion.

The French Revolution which for a whole generation drenched all Europe in blood—shed in conflicts apparently senseless and fruitless—was the price paid for overthrowing absolutism, which through oppressive taxation had practically prostrated industry; and substituting for it democracy, which by assuring every man enjoyment of the commodities produced by his labor, stimulated industry and encouraged invention to the degree that has caused the extraordinary prosperity of the last hundred years.

To forecast with any degree of accuracy the fruits this war is likely to bear—to determine whether the movement of civilization it portends is likely to be upward or downward—we must first ascertain the causes that produced it. And here let me say that I have neither the disposition nor the authority to decide whether it is chargeable to the envy or jealousy of the one side, or to the mistaken apprehensions or unbridled ambitions of the other. These are questions to be judged ultimately by the conscience of civilization;—that tribunal whose justice is inexorable, whose conclusions are irreversible, and whose decrees are irresistible.

Moreover, these in any event could be but its proximate causes. Back of them all, dominating them all, is one controlling cause with which no one nation is charge-

able, for which all nations are responsible. That cause was defined by Cardinal Farley when he declared that this awful cataclysm was due to decline of Faith in Christ and in His Gospel among nations calling themselves Christian. And it is true. Christian civilization during the last century has worked a most extraordinary and beneficent improvement in human conditions. Yet at the very time when it had proved its value by fruits of the utmost importance, the nations blessed by it in largest degree began to deny the authority of the Divine Revelation from which Christian civilization arose. The narrow-minded men, the stiff-necked men, the so-called philosophers and statesmen who during the last generation have undertaken not merely to divorce Christian States from Christianity, but to foment hostility between their governments and the Faith on which Christian civilization rests, have succeeded in producing a distrust between the different nations of Christendom so profound that each one believes that all the others are inflamed by a lust of conquest which can be restrained only by the power and might of armed forces organized to resist it. It is this spirit of distrust, utterly unchristian, which has finally culminated in the conflagration now raging throughout Europe.

This fearful tragedy which has wrapped the world in gloom establishes, however, one fact so clearly that it can never again be questioned by reasonable men. It proves conclusively that it is no more possible to maintain the fruits which Christian civilization has borne when the faith from which that civilization sprang is suffered to decline and perish, than it is possible for fruits to continue growing and ripening on the branches of a tree after its roots have been allowed to wither and die.

The devastation worked by this unchristian spirit between nations did not begin with this war. It has been raging for a whole generation, during which nations have

been arming themselves for conflict. And as we now see in our own prostrated industry, that under modern conditions exclusion by war of one country from the field of commerce works disaster to all countries, so also the dreadful cost of preparing for this conflict was not confined to the nations which maintained huge military establishments. It was distributed throughout the whole world.

For many years before this war broke out the cost of armaments aggregated two billions and a half of dollars every year, while some five millions of men in the bloom of youth, and therefore, in the very flower of their productive efficiency were withdrawn from industry and reduced to idleness in barracks. Estimating the cost of supporting each soldier,—of feeding him, housing him, clothing him, arming him—at only three hundred dollars a year, the stupendous sum of almost four billions of dollars was expended annually in military preparations. From whom was this enormous amount of money taken? Why from you and from me and from every human being throughout the world.

No soldier can produce his own livelihood. The cost of supporting him and equipping him must be borne by other men. Every ship of war that is launched, every fortress that is constructed, every gun that is cast, every weapon of war that is manufactured must be paid for; and they must be paid for in commodities produced by the labor of human hands. There is no other source from which they can be paid. And this means that you and I and every human being in the world, no matter where he lives, must pay for them. And we pay for them through the increased price which they force us to pay for necessities of life.

This will be plain if we measure the cost of them in some commodity of universal consumption,

The wheat crop of the United States averages in value about six hundred and fifty million dollars every year. This year it is worth a good deal more but the conditions are exceptional.

The cotton crop of the United States, roughly speaking, under ordinary conditions is worth about the same amount.

Suppose some diabolical force could bring both these crops into one heap and with torch and flame reduce all the wheat and cotton produced in this country to ashes; you can readily conceive the effect of such a catastrophe on the cost of bread and clothing, not merely in the United States but throughout the world.

Now loss of the whole cotton crop and of the wheat crop of the United States put together would equal only about one-quarter the waste caused by the cost of these armaments every year. Of course, these great armaments are not paid for in cotton or in wheat alone, but in every commodity produced by the labor of men;—in corn, in potatoes, in wool, in iron ore, in copper, in all the varied products of field and mine, and in the finished articles manufactured from these raw materials by human labor. Of course, what has been spent to support military establishments could not be available to support laborers. And so the cost of these armaments and of supporting these soldiers has been levied upon other men—upon every human being throughout the world. The form of the levy has been an increase in the cost of commodities essential to the support of life.

When the laborer was compelled to wear a pair of shoes somewhat longer than before because the cost of leather was higher; when his child was forced to wear clothing somewhat thinner and for a longer period than before because the prices of cotton and woolen goods were higher; when the breakfast table and the dinner table became a little less abundant and less appetizing because the cost of

food products was higher; when the dwelling became a little less commodious and less comfortable, owing to the higher rents caused by increased cost of building materials, then we saw the cost of these armaments paid in the stunted growth of children, in the growing difficulties of men, in the multiplying anxieties of women, in conditions of life growing ever harsher, and more hopeless.

We are apt to speak of the last generation as a period of peace, but in fact it was a period of war;—with this peculiarly atrocious feature; each nation instead of making war upon some other nation was making war upon its own people. Instead of confronting the embattled forces of another nation upon the battlefield, it was levying war upon the helpless women and children for whose protection it was supposed to be organized; lessening the supply of commodities available for their subsistence, narrowing the theater of their opportunities, aggravating enormously the difficulties that beset them, darkening dismally the prospects that confronted them.

If this war be ended on terms of vengeance imposed by angry conquerors upon conquered nations beaten to helplessness, seeds of fresh resentments will be sown throughout the world, certain to yield sinister harvests of new wars recurring probably for generations. The intervals between actual hostilities will be mere periods of preparation for renewal of them. Both the energies and the possessions of men will be diverted from enterprises of production to devising and effecting schemes of destruction. Armaments even in times of so-called peace will grow larger and the burden of them more oppressive every year. The whole movement of the human race will be downward through steadily deepening poverty to degradation that must be hopeless and misery that must be irremediable.

If on the other hand this war can be ended on terms of justice, the rancors that now inflame nations against each

other will be removed. Their distrust of each other having been composed, general disarmament will become not only possible but exceedingly probable, and I believe absolutely inevitable.

Conceive for a moment the beneficent fruits of a peace—a genuine peace—a permanent peace—that would not merely dismiss from the battlefield men engaged in actual war, but which would release in times of peace the millions formerly held idle in barracks, to recruit the forces of production. The enormous volume of capital which has been wasted for a generation in military preparations would be devoted to encourage fruitful industrial enterprises. Under such a stimulus to production commodities would become so abundant that prices of them must at once begin to fall. And this reduction in the cost of living would be not only decisive but continuous, until any man by the labor of his hands during five days could gain ample subsistence for a whole week.

Since this war must ultimately prove either a source of improvement that will be immeasurable or of disaster that will be irretrievable, according to the conditions on which it is ended, all men throughout the world are profoundly concerned in the terms of peace. These terms will depend, I think, largely if not mainly upon the degree of influence which this country can exercise in determining them.

Now by this I do not mean to be understood as joining in the cry that the President of the United States should at once do something, or attempt something, to end this war. There are but two methods of intervention possible. One is by force, the other is by invitation. Intervention by force is unthinkable. It would entail loss of the last hope that through the friendly offices of this country, a settlement could be effected on justice, and therefore that peace could be permanent.

Intervention by invitation will be possible only if all the warring nations unite in extending it. And this they will never do unless they are persuaded not merely that our sense of justice is immovable but that our friendship for each of them is unmistakable. Now to produce this conviction among all of them ought not to be difficult, for it would be to persuade them merely of what is actually the fact. We are friendly to all of them. We are connected with each one by ties of friendship—almost of affection. All these nations are, I believe, animated by a love of justice. They are fighting now largely, if not entirely, through the different notions of justice they entertain. To restore peace it is necessary in my judgment only to convince them of what justice requires and where justice lies. Inflamed against each other by the passions of war, it would be difficult to convince one side that a proposal favored or even tolerated by the other could be conceived in justice. But this country which has neither suffered injuries nor inflicted them is in a position where her disposition to do justice can hardly be doubted.

But it must be remembered that this country can act on any international matter only through its Chief Executive, the President of the United States. We should, therefore, be unanimous in upholding his hands;—in maintaining his consequence and authority before all the world during this crisis of Christian civilization. This would be our duty as patriots even though we did not approve the course he has pursued. But as a matter of fact his attitude towards this war and the nations engaged in it has been correct—admirable—beyond all praise. In his formal proclamation of neutrality he went further than the stereotyped promise that the government which he administers will refrain from the slightest act of hostility toward any one of these belligerents. He appealed to the whole body of the American people for popular neutrality

—not the neutrality of indifference, but the neutrality of friendship—equal friendship, impartial freindship to all of them.

If the American people maintain this attitude of friendly neutrality, I believe it is as certain as any event in the womb of time can be, that sooner or later this country will be asked to exercise its good offices for peace. When that time comes it will not be difficult for the President of the United States to suggest the terms which will establish justice between these warring countries and between all nations of the world.

The moral law of nations is embodied in our own Declaration of Independence. Let the truth be accepted as a fundamental principle of international law, that consent of the governed is the only proper basis of government and every serious cause of distrust among nations will at once be eliminated.

Now this I beg you to believe is not a dream of Utopia, but a practical suggestion for the improvement of international relations. Suppose all nations agreed to accept as a fundamental principle of government that every community or country shall be allowed to decide for itself the allegiance it will acknowledge,—the political associations it will maintain,—would the whole map of Europe be seriously changed? Why it would hardly be disturbed. Alsace and Lorraine might decide to become once more French Provinces, or they might elect to become independent communities, or they might decide to remain German. Finland would probably ask restoration and confirmation of its ancient constitution, while Poland would doubtless demand national autonomy. But Poland has already been promised national autonomy. The confirmation of its ancient constitution to Finland and the grant to Alsace and Lorraine of the right to determine and fix for themselves their own political system would be but

a small price to pay for removing practically every cause which now moves nations to distrust of each other, and thus eliminating every cause of war now discernible.

With all causes of distrust removed, surely it is not extravagant to hope that every nation under the leadership and advice of this country would agree that its military establishment should be limited to the requirements of maintaining peace within its borders. For this purpose, one per cent. of the population would be ample. Under such an international agreement Germany could maintain about fifty-five thousand soldiers in arms, England forty thousand, France about thirty-eight thousand, and other countries in the same proportion.

If such a limitation of armaments had prevailed in Europe last August, does anybody believe this war would have broken out? If before hostilities could have begun each nation had been forced to spend a few months in organizing its military forces, that period of preparation would have been a period of reflection, probably a period of remonstrance among powers naturally disposed to peace. The reawakening of conscience and of judgment which must have followed would almost inevitably have prevented this senseless slaughter that is desolating Europe under a tide of carnage.

I do not for one moment contend that war can be wholly eliminated as a possibility of human conditions. So long as the race may last there will probably arise at intervals questions which can be determined only by the arbitrament of battle. But when such a cause arises men will get ready and equip themselves to fight it out, however long the period of preparation may require. On the other hand, they could not be plunged into war (as they are plunged now) over night, for no reason that can be assigned, or at least for none so clear that it must be universally acknowledged. Treaties stipulating to delay

making war for a specific period are highly commendable for the disposition to avoid war that they display. But as practical precautions against war, I venture to say they are negligible.

For a nation determined to make war which finds itself in a more advanced state of preparation than its enemy, will not on account of a treaty delay hostilities until that advantage is lost. It is always easy to excuse breach of a treaty by charging the enemy with a disposition to violate it. But if each nation covenant to remain unarmed and that covenant is enforced by all nations, then a delay must intervene through the necessary requirements of preparation. And this would suffice to avert all wars that have been waged. For all nations to agree that any increase of its military establishment by one country beyond the force necessary to maintenance of peace within its own borders should be considered as an act of war upon its neighbors which all other countries would combine at once to prevent, repel and repress, would not be a very great extension of existing international custom.

Mobilization of an army by one country is today regarded as cause of war by neighboring countries. Indeed a peremptory demand by one of the great powers upon another with which it is now in conflict that mobilization cease forthwith was the immediate cause of the present war. And surely to declare that organization of an army should hereafter be considered an act of war, would not be a very wide extension of the principle—already acknowledged—that mobilization of an army is an act of war.

When such enormous benefits are certain to follow disarmament, who will say that disarmament is impossible or improbable? Indeed there is every reason to hope that it will be the first fruit of peace.

War is no longer splendid and therefore it is no longer inspiring. The battlefield no longer a theater for the dis-

play of personal prowess, has become a shocking massacre by machinery—a shamble where millions are slaughtered in sordid misery. This war has evoked no enthusiasm. No nation is willing to admit responsibility for having originated it. The word “glory” seems to have been expelled from its terminology.

The fact that it is the object of universal disgust and reprobation indicates unerringly that no such awful waste of life and treasure will be permitted to recur. The horror it inspires is proof that this war is the expiring agony of war. Men will not seek the battlefield when glory no longer lures them to it. But men will continue to pursue glory. It will be a sad day for the race when they cease to pursue it. In the better day that is dawning, when all the energies of men will be devoted to production, glory will still be sought, but by different paths. It will be attained in larger measure and brighter luster by serving men than it has ever won by slaughtering men. Human nature will not be changed but it will be given a higher direction and a nobler aim.

Even in the most savage periods of conflict the soldier did not wield the weapon of destruction so much for material profit as to win renown. Why may we not hope that men will soon be found employing the implements of production in the same spirit. May we not hope that a day is coming and coming soon, when society will crown with brighter bays the brow of the industrial chief who raises new monuments of industry and art than it ever bestowed upon the military chief who destroyed ancient ones? And under such a society may not men be found laboring unremittingly or directing the labor of others assiduously,—not for the amount of profit they can gain, but for the contribution they can make for the common welfare?

Is this an extravagant expectation? By no means.

It is simply an expression of belief that human tendencies which are actual and inherent shall be given a better and higher direction. The power which can accomplish this salutary change is the Church of God.

As the Church, in the turbulent ages following the fall of the old empire, through the institution of chivalry, inspired men with purposes so new and lofty that a new and higher civilization was erected on the ruins of the old system; so now we find Her organizing this new chivalry of industry to give to this civilization which She has established a new upward impulse destined to produce a still more decisive improvement in human conditions.

To make men in the field of production active and efficient, not for the profits they might win but for the good they could do, would merely require extension to industry of the spirit which today actually governs thousands of men in religious communities, here in this country and everywhere throughout Christendom.

Is extension to the industrial world of the spirit actually governing religious communities within the bounds of possibility? I believe it is not only within the bounds of possibility, but well within the limits of probability. After all, it would be but a repetition by the Church of what She has already accomplished under circumstances vastly more difficult. Through chivalry She succeeded in imposing on the rude warriors of an unlettered and violent age a sense of honor by which they were induced to observe those rules of chastity and obedience and self-renunciation which members of religious orders observed through a spirit of devotion.

Now chivalry was not established by the Church. It was a powerful force among the savage Germans whose customs Tacitus described. But chivalry which made savage warriors bloodier and more rapacious, became under the influence of Holy Church a force which modi-

fied barbarous customs by leading men to place honor above any prize that could be won in battle; protection of womanhood above profits of pillage; vindication of the rights of the weak against the strong above territorial conquest; and to regard defence of God's Truth and of God's Church, its depositary, as the supreme obligation of knighthood.

We have the authority of Hallam, of Buckle, of Guizot, and of every non-Catholic writer who has traced modern civilization back to its original sources, for believing that this Christian chivalry was the dominating influence in guiding the current of human thought and human tendencies through ages of turbulence and rapine to those institutions of freedom and justice which now bless a large part of mankind.

The capital qualities of knighthood were honor and loyalty, courage and gentleness. It was a maxim of chivalry that the knight who was not gentle could not be bold. Before he could become a knight he must first by long trial have proved himself a gentle man. And after he became a knight he was bound above all things to remain gentle. He was addressed as "gentle sir," and he was held by the spirit of chivalry to bear himself so as always to deserve the appellation. Courtesy was as essential to the maintenance of his fame as was armor to the safety of his person. To call him a "discourteous knight" was the most grievous reproach that could be leveled at him next to calling him a "caitiff knight."

Now courtesy, courage, gentleness, loyalty, are the very qualities which are absolutely essential in this day to our industrial life. It is mainly from lack of them that production is so often interrupted by violent conflicts between the different elements engaged in it. Without industrial peace, restoration of peace between the nations even if followed by disarmament, can work little improvement in

human conditions. If industrial disturbances continue, every addition to the number of men who might work but will not work would merely swell the ranks of the idle, and therefore, of the discontented.

Conceive then for a moment the effect of extending the qualities of knighthood over the whole industrial field. If every employer of labor, that is to say every captain of industry were always gentle in his bearing and always courteous in his speech,—if the opinion of his own class condemned him ruthlessly for lack of either, as the discourteous knight of old was condemned by the ancient chivalry,—production could never be seriously interrupted by conflicts between the different elements engaged in it. Strikes or lock-outs are seldom if ever caused by disputes over hours of labor or rates of wages, that is to say, over the distribution of commodities among those through whose coöperation they have been produced. These conflicts arise almost invariably out of apprehensions by the laborer that the employer will oppress him, or on the part of the employer that his property will be molested or injured by the laborer. This mutual distrust, so fruitful of injury and wrong and misery, the new chivalry of industry will compose and dispel.

And so I feel justified in saying that although present conditions are the most deplorable that have ever befallen the world, yet we have abundant reason to hope that the cloud which now like a black pall overspreads the horizon of humanity, will be followed by the brightest day that ever dawned upon the world.

XII

A Plea for Peace

THIS is a meeting of Americans without qualification or condition of any kind—of Americans who value their citizenship above all things—not alone for the high privileges it bestows, but in even larger degree for the sacred duties it enjoins. We are here—Catholic and Protestant—Jew and Christian—to consider conditions which vitally affect the whole fabric of civilization.

A plea for peace before an American audience is no longer a mere expression of sympathy for nations scourged by calamities from which we believe ourselves to be exempt.

At the first outbreak of this dreadful war, we fondly believed that its ravages could be confined to the countries then engaged in it, and that it would not endure beyond a few months. But already it has lasted sixteen months. Its theater has been continuously widening. During its progress other nations have been drawn into its vortex. The end of it no man can foresee. The devastation it has actually wrought makes it absolutely clear that if this conflict be prolonged until the belligerent nations on one side or the other shall have been exhausted, then the prosperity of all nations will be ruined, and the very existence of the race itself imperiled.

Tonight in the time at my disposal I shall confine myself to a single aspect of these disasters which, so far as I

know, has not yet been discussed, and that is the very serious consequences they portend to all civilized nations of the earth, under the peculiar conditions, social and economic, which have arisen during the last century.

The most conspicuous feature of that period has been an enormous growth in population throughout the world. This growth has centered entirely in cities. In rural districts the tendency of population has been downward rather than upward.

Now these great urban communities, in the very nature of things, live literally from hand to mouth. No great city can produce the food on which its population subsists, nor provide its inhabitants with the raw materials of their industry. All these must come from outside its limits.

A spectator looking down from a lofty eminence at a great city like Chicago is struck at once by great buildings with tall chimneys from which volumes of smoke are steadily rising—the incense offered by industry to the God who has decreed that by labor alone must every want of man be supplied. But whence comes that smoke? Nothing which those buildings contain, not a single element of which the structure itself is composed, was produced here in Chicago. That smoke could not be found rising Heavenward here if coal had not been brought into the city from some distant coal mine. The bricks and the stones and the woodwork that constitute the building, must have been supplied by labor expended far away. And in each factory the different elements that constitute the raw materials of its finished product must be contributed from varied climes. In the great shops and stores where the workers employed in these factories exchange the wages gained by their labor for the commodities necessary to their support, all the articles they purchase are themselves products of labor expended in every quarter of the globe.

The very life of a great city depends on a continual flow toward it of food supplies and raw materials of industry, which are exchanged against a continual outward tide of commodities produced by the industry of its own population. As these tides swell populations increase. Should they fall populations must diminish. A great city is not maintained solely by its own inhabitants. Its existence depends upon all the labor and all the resources of all the world.

The foundations of this city are not on the ground that it occupies. The foundations of its buildings rest on the soil of Illinois. The foundations of its industrial life, that is to say, its real foundations are in the industrial energies of men exercised everywhere.

Since every city depends for its subsistence upon an uninterrupted supply of the commodities which constitute its means of subsistence and the basic materials of its industry, the withdrawal of millions of men from industry is matter of serious moment to you and to the people of every great city. Nor is this the only injury this war has inflicted upon the productive powers of mankind. Its destruction of property and diversion of capital from productive enterprises of industry to destructive enterprises of war is an additional restriction to the prosperity of the world and an additional menace to the human race.

The efficiency of each man in production depends upon the capital available to facilitate his labor, and the amount of capital available to facilitate labor in any one part of the world is the entire capital of the whole world. When capital becomes scarce the cost of it increases, that is to say the rate of interest rises. When it is abundant it becomes cheap and rates of interest fall.

Owing to the increased rates of interest already caused by the loss of property amounting to twenty billions of dollars and diversion from production to destruction of all

the capital these warring countries can command, any industrial enterprise, the erection of a house, the building of a railway, or the construction of a great public improvement will cost now more than three times what it would have cost twenty-five years ago. Indeed it is doubtful if capital for construction of a great public improvement like the establishment of transit facilities for a city of this size could be obtained at the present time on any terms whatever. Scarcity of capital therefore menaces the prosperity of cities in two ways: By increasing the cost of producing commodities, it raises the cost of living. By restricting production, it diminishes the demand for labor and thus depresses the rates of wages.

So we see that this war, by incapacitating many millions of men and destroying capital to such a vast extent, has seriously affected the conditions of life not merely in the countries which have been the theater of this destruction, but here in Chicago, in New York, and in every city of the globe.

The first effects of this devastation were clearly evident last winter in the widespread unemployment which afflicted this and all other cities. It is true that recently a demand for munitions of war has caused an apparent improvement in our industrial conditions. But that appearance is delusive. It must be obvious that the moment this war is over the demand for these war materials will cease. The capital and the men that have been diverted to production of them from other industrial enterprises will be reduced to idleness for a season at least. A serious dislocation of industry must follow. The panic and the prolonged industrial depression which have followed every war while attempts to repair its ravages were in progress, will follow this war, but aggravated to a degree commensurate with the unparalleled destruction it will have wrought.

I beg you to observe that hitherto we have been considering the degree to which this population and the population of every city throughout the world must be affected by the devastation and ruin already caused by this war. But picture to yourselves the fearful consequences if it should be continued for two years as some believe (and they are the best informed), or for one year as seems certain now unless some force as yet passive can be invoked to end it. Assuming that the same rate of casualties will continue, the number killed and maimed at the end of one year will be doubled and at the end of two years they will be trebled. And these do not include any of the old or the infirm. They are all men in the full tide of youth. And the destruction of capital, it is safe to assume, will be complete. Nothing capable of destruction will be left. The sources of life itself already seriously impaired will be injured beyond repair, and the very existence of the human family must be seriously threatened. If so many millions of men in the very flower of their youth are destroyed or mutilated, how can the race be preserved?

But it is in great cities that the most grievous results will inevitably follow such devastation of life and property. Under conditions of constantly increasing production more than two million human beings have been attracted here to the shores of Lake Michigan, where they and the structures in which they toil or dwell, and the highways over which they and the products of their labor are transported, constitute this great City of Chicago. During the same period and under similar conditions five millions have been attracted to the mouth of the Hudson, where they constitute the City of New York. Everywhere throughout the world new cities have sprung into existence and have grown with amazing rapidity while in older cities populations have increased to a degree with-

out parallel or precedent in all the experience of man. The majority of these populations have been able to support themselves hitherto in conditions which were constantly improving and which during the last decade were of such comfort as would have been considered luxurious even a generation ago. But if this war continue until millions of human beings are killed or incapacitated, and all the capital of the world—except what may survive in this country—is destroyed, it is perfectly evident that there will not remain sufficient supply of raw materials to afford these immense populations employment, nor of commodities to afford them food and subsistence.

In a city where five millions are now living in comparative comfort, means of subsistence may remain sufficient to support two millions. And in a city, which now contains two millions and a half, means of subsistence may remain to support one. But what is to become of the surplus populations? Whither can they go? There is absolutely no place to which they can turn their steps with any hope of improving their conditions. They cannot go back to the country because there they had no opportunity to sell their labor even in more prosperous times. A struggle for existence in each city must necessarily ensue, which will take the form of competition among laborers for employment; one man offering to work for lower wages than another is earning. A man who has been accustomed to receive five dollars a day will find himself forced to compete with an unemployed man of equal ability, willing to work for four and a half dollars a day. The man accustomed to receive four and a half dollars must compete with another ready to work for four dollars, and so on down the list, until no man would be working for wages so low that some other man under the pressure of want, actual or approaching, would not be found eager to take his place at still lower wages.

There is no fountain that can be tapped for relief of this distress, because conditions that reduce workers to such desperate plight will also deprive employers of profits or opportunity of profits. Starvation is the only outcome, and when men cannot produce by peaceful industry sufficient to meet their necessities, the strongest among them will strive by violence to seize anything that may appease hunger. All history shows that populations which have been called into existence by abundance, if they find themselves doomed to extinction by famine never disappear in peaceful submission, but always in riot, resistance and confusion.

The danger then which this war portends to us and to all civilized nations is insufficient means of subsistence for populations of great cities, provoking attempts of men maddened by starvation to resist a fate which alas! their violence instead of averting or even retarding can only accelerate. This danger must be obvious, I think, to any mind enlightened by the study of history and capable of judging events that are current in the light of events that have passed.

But there is another result—and an appalling one—that must be considered if this war's dreadful potentialities are to be realized. When it first broke out this country resolved to be neutral, and the resolution being honestly formed we fondly believed it could be easily kept. But soon we found that maintenance of our neutrality was beset by grave difficulties, which multiplied so rapidly that if this conflict be prolonged there is grave reason to apprehend that we ourselves may be drawn into it. Already serious injuries have been done us by both belligerents. At this moment we are in controversy or correspondence with belligerent countries on both sides over incidents of which we have abundant reason to com-

plain. Now, wherever there is a discussion or dispute between two countries there is always danger of conflict. And if this dreadful conflagration should extend to the United States it is no exaggeration to say that the last hope of civilization will be dispelled and the outlook of the human family will be desperate.

Conceive the consequences that must ensue if seizure of our merchant ships at sea should plunge this country into war with England. War with Germany would be just as deplorable from every moral point of view, and we as citizens of the United States would regret it, just as deeply. It would however be impossible now to forecast its scope or its result. But war with England owing to our geographical position must immediately precipitate a condition which civilization could hardly survive. Every foot of the four thousand miles constituting our Canadian frontier would at once become a theater of conflict, and of conflict between men of such stuff that it would be a struggle to the death of one or the other.

To the south of us a country now torn by factions would no longer be restrained by our proximity or by apprehension of our watchful vigilance. Ruin of its industrial and social life would be inevitable. India quivering with unrest would soon be convulsed with revolution. Between China and Japan questions now pending would be pressed for settlement, with submission or conquest of the weaker nation the sole outcome. South America, the only region which would remain capable of furnishing munitions of war or articles of food, would become at once the theater of endless intrigues resulting almost inevitably in conflict. Australia and Africa are already plunged in this maelstrom of sword and flame. The whole globe would be in conflagration.

No such cataclysm has ever yet convulsed the world. The fall of the Roman Empire, which has always been

considered the greatest disaster that ever befell the race, affected only the western part of Europe. The eastern part and all Asia with its teeming millions, remained practically unmoved by it. And yet the fall of Rome very nearly entailed destruction of the whole European population! What must be the outcome of a cataclysm that involved the whole globe? Where could there be found an influence to stay its ravages? Where a force to repair them? What but universal destruction could follow? And this peril actually hangs over the world now, suspended by nothing stronger than the judgment or sense of a single individual. A foolish act or even a foolish word by some sea captain seizing an American ship might draw us irretrievably, instantly, into this vortex of fury, kindling fires of destruction that must consume the world.

Surely when civilization is suffering such injuries and in such imminent peril of destruction the supreme law of self-defense enjoins on it the employment of every force that it can command for its own preservation.

Is it possible to end this war and establish permanent peace before additional millions are killed, maimed and wounded in the countries which are its theater, before all other countries are impoverished and before Christian civilization itself is wrecked? I think it is.

Such a peace, however, cannot be established by force. Certainly not by any exercise of physical force on our part. We have already seen that our participation in this conflict would simply mean immediate precipitation of the disastrous consequences which its prolongation renders probable. But there remain the moral forces of Christendom and these I believe are powerful enough to save civilization from the disasters already brought upon it by the embattled military forces of the world, and to

avert the peril of much graver disaster with which it is threatened.

These moral forces Our Holy Father the Pope who is their Depositary has already invoked. This vast gathering of men and woman (many of whom do not acknowledge his spiritual authority) is the first answer to his appeal. And here in this country where his appeal to the moral forces of civilization has met this most impressive response, we find an agency clothed by Almighty God in His own inscrutable way with ample power to set these forces in motion. That agency is the President of the United States, and he can make these moral forces effective for restoration of peace, without in the slightest degree compromising the neutrality of this country.

It is the peculiar feature of this war, that no one knows the object for which it is waged. I am not now discussing how it was provoked. That is a matter which will be determined by posterity whose judgments are infallible, inexorable and irreversible. But it is an astounding fact that this conflict, which has already caused the most extensive injury to property and life ever inflicted upon the human family, is waged without any definite object that either belligerent has specified or avowed.

We have indeed heard from one side that peace will never be made until a certain brand of "militarism" is destroyed, "weak nations given a charter of liberty," and "all nations guaranteed the right to pursue in freedom and safety the pathway of civilization." And we have heard the other side declare that this war will not be ended until its "legitimate place in the sun" has been secured, "freedom of the seas" established and the "iron ring of hostility," with which it believes itself to have been surrounded, shattered. But all these phrases indicate merely a state of mind, not any definite purpose. They belong to that order of expressions, sonorous but vague and utterly

meaningless, by which nations no less than individuals often seek to disguise from themselves, as well as from others, purposes which if candidly avowed would shock the consciences even of those intent on them.

It is very necessary to point out here and to emphasize that there are but three conditions which a conquering nation can impose on a prostrate nation, or a strong nation exact from a weak one: annexation of its territory, which of course includes the people inhabiting it; seizure of its property, in the form of war ships or of money exacted as indemnity; destruction of its property, which comprises sinking of its ships or dismantling of its fortresses.

Now surely the human family which has already suffered such appalling losses of men, and of capital amounting to twenty billion dollars from its industrial forces, and which is threatened with the dreadful possibility of losing many millions more men, and practically the total extinction of European capital, has a right to know the precise conditions on which can be ended the war, that has brought upon it all these disasters, actual and potential. Above all, the President of these United States—as head of the nation holding first place in the family of nations—whose attempts to maintain neutrality have been embarrassed and may yet be frustrated by unforeseen incidents (which these belligerents themselves may not be able to avoid) has the right to ask that each side state frankly and fully what it seeks to achieve by this war—that is to say the terms on which it would make peace. Such a request on his part would not be an act of hostility to either side, but an act of benevolence and of justice to the entire human family, including the belligerents themselves. Remember, it is not for a moment suggested that he should undertake to prescribe the terms of peace. That would be his attempting to assume the very power

which these belligerents are fighting to acquire, and to obtain which they have plunged the world in this dreadful strife. But so long as no attempt is made to indicate or even to influence the terms of peace, no belligerent could complain of being asked to state just what it would require before consenting to lay down arms, since the statement of its demands might be the very means of obtaining them.

A request that each side disclose the conditions on which it would consent to peace would not of course be answered, by repetitions of those sonorous but vague expressions of which all the belligerents have been prolific, but which instead of defining the real objects for which they are battling have served merely to obscure them.

The only answer which would fully meet such a request by the President is a clear, definite statement by each side of the exact territory that it demands for itself or of which it wishes to deprive the other; the precise amount of money it would require, the number of ships to be surrendered or sunk; the particular fortresses it wants destroyed. And I venture this prediction: Should the President induce all these belligerents to state definitely in terms of territory, indemnity or property, the conditions of peace they are ready to accept, the demands on both sides would prove to be not very far apart; which means that formal negotiations for definite peace would be in progress within a few weeks.

Remember I say that these demands would not be found very far apart if the President should succeed in having the conditions of peace formulated *now* when neither side is in such a position of advantage that it can afford to despise or disregard the opinion and conscience of the world by making demands obviously extravagant or unreasonably severe. But if the conditions of peace are suffered to remain undisclosed until one side lies

prostrate under the heel of the other, then the victors will be in a position to disregard alike the conscience of civilization and the public opinion of their own countries. And in that event the terms of peace—or rather the terms of submission—will be governed by rancor inflamed to fury, rather than by statesmanship enlightened through justice.

In all these warring countries there is a very strong desire for peace. But each belligerent is convinced that its utter destruction is the object of this war, and that by fighting alone can its national life be saved. And this frame of mind is due largely if not entirely to those perversely distracting phrases we have been considering. If the people of each country were apprised definitely and clearly of the territory or money which its rulers are fighting to obtain, the public conscience would be quick to revolt from anything like a scheme of wanton injury or spoliation. If one side should decline to disclose its purposes, even though requested to state them by the President, no action by this country would be necessary or advisable. Refusal by any belligerent to answer such an inquiry could be left with perfect safety to the conscience of mankind.

The judgment of civilization and the public opinion of each country are, then, the moral forces by which this dreadful conflict can be ended. They are rendered inefficient now because they are kept in ignorance of the real objects for which millions of men have been destroyed and many more millions are doomed to destruction and mutilation if the war be suffered to continue. And I repeat that the President of the United States, in making these moral forces effective by causing both sides to make clear their purposes while the war is still in progress, would not be violating neutrality but would be observing scrupulously the very nicest requirements of international comity.

Now it may be asked why is the President of the United States clothed with any higher authority to take such action than the head of any other neutral state? Would it not be advisable to secure coöperation of other neutral states—to effect a league of neutrals, is the expression widely used—for the purpose of securing peace? The answer is clear. The President's warrant for asking these nations to declare the conditions on which they will make peace, arises from incidents of the war directly and peculiarly affecting the people of this country.

In the course of this war we have suffered serious injuries from both sides, and questions arising from them are now actually pending. And each has taken such a position with reference to the acts of which we complain that recurrence of them is exceedingly probable if not inevitable. If these acts all belonged to the past they would naturally, I might say necessarily, be left to settlement by diplomatic negotiations. But when they are likely to recur the President may find himself confronted with the question whether he is not bound to take measures for preventing them. Now whether he should adopt measures of prevention or suffer these grievances to remain subjects of negotiation might very largely depend upon the length of time that the conflict is likely to last. For, obviously, if its duration would probably be short the likelihood of recurrence would be greatly diminished, and, therefore, measures of prevention might not be considered necessary. If on the other hand the war is likely to be prolonged, recurrence of these injuries would be exceedingly probable and under such conditions he might feel that prevention was his duty.

The President has a clear right, then, to ask from either belligerent information which may enable him to determine his own course with respect to some act for which that belligerent is responsible, provided that the informa-

tion does not involve disclosures that may affect the success of its war measures. The President would not be justified, of course, in asking one of the belligerents to disclose the extent of its forces, or their disposition, or how near it is to exhaustion of men or materials of war. But there could be no objection to his asking each belligerent to say just what it is fighting for, since information on that head cannot affect its military operations while it would shed some light upon the probable length of the war. If, for instance, one side declared its determination to continue fighting till the other side was exterminated, that would indicate a war of long duration and the President might feel justified in taking measures to prevent injuries which very likely would be of frequent recurrence. On the other hand, if it were found that the demands on all sides might easily be reconciled, a speedy cessation of hostilities would be probable and then the President would undoubtedly feel justified in leaving adjustment of our own complaints to settlement by diplomacy.

Now the President of the United States is the only person in all the world whom the tide of events has placed in this position. There is here no suggestion whatever of force, but merely that information be requested which may aid the President in determining his policy concerning acts of the countries to which the request is addressed. The fact that such information afforded to the President would make clear the real objects of this war in terms that can be understood by everyone, and that with such light to inform them the moral forces of civilization would be enabled to effect peace, cannot be a valid objection to asking for it, but furnishes additional reasons why it should be most strenuously sought. One thing is perfectly certain: civilization will not enforce peace on any conditions except those of justice. And peace established on justice

will lead to the permanent and complete reconciliation of all these warring countries.

But it may be asked, even if such action by the President should result in peace would not these warring nations at once begin extensive preparations for renewal of the conflict on a scale commensurate with the requirements of modern war, and would not these impoverish the world almost as grievously as waging war itself? Here again I answer that Providence has placed in the hands of the President power not merely to effect restoration of peace but to secure general disarmament, and that too without assuming an attitude of hostility to other powers, or attempting to assert authority or control over any of them. And the measures he has already announced his determination to recommend are precisely those which, if adopted, must, in my judgment, lead inevitably to general disarmament.

After this war it is hardly possible that any of the countries engaged in it will be in a position to maintain huge armaments and at the same time leave sufficient means of subsistence to its population. Certainly none will be eager to undertake such a burden unless in the hope of making itself first among the armed nations of the world. And this country can prevent any other country from securing such a primacy in military establishments by the simple course of establishing ourselves the strongest armament of all.

Without undertaking to discuss here or to anticipate any of the proposals for preparedness which the President will submit to Congress next week, this much is perfectly obvious: if at the end of this war other leading nations continue to arm then we must arm too. And in that event we must outarm the strongest of them. One conclusion is inevitable from the recent experience of the world. No

country can afford to remain unarmed when all around it other countries are steadily, and indeed feverishly, prosecuting preparations for war. It is believed by a good many that one or more of the great nations brought to the verge of bankruptcy by this war might be tempted by the extent of our possessions and the vast wealth of our population to attack this country in the hope of exacting a huge indemnity from us. I do not think this at all probable. Indeed I think it most unlikely that after the experience of the last sixteen months any nation could still harbor the delusion that there can be any profit in war, no matter how successfully it may be waged. Nevertheless such an attack is not any more unlikely than the breaking out of the war now raging was eighteen months ago. Preparedness I believe means that we must be prepared at all times to meet any eventuality. So long as we have the largest possessions to tempt attack we must maintain the largest armaments to defend them, both by land and sea. If our security is to depend on force we cannot trust to the benevolence or friendship or forbearance of any other nation. We must depend on ourselves alone and on the armed might we can establish.

But if all nations would consent to forego these extensive military establishments, then we should gladly lead the world in disarmament. With respect to armaments, I believe our position will prove ultimately to be this: we stand ready to offer all nations perfect equality with us, but it must be an equality of disarmament. If an armed world is to emerge from the war, then we will be first in armaments as befits our position among nations. And this position all nations know we have the power to take and maintain.

Now I believe that there is no country, however warlike its disposition, which would not prefer to share first place as an armed power with all others than take second

place to any one nation. And since second place among armed nations is the highest that will be left open to the strongest of them when we ourselves take first place, I am quite certain that they will all become eager to rid themselves of burdens which crush their populations to the earth and which no longer can result in making any of them the predominant military force of the world. A general understanding then could easily be reached that no country would maintain a military establishment greater than was necessary to preserve peace within its own borders.

Such an agreement for general disarmament would not greatly change the international relations which have governed the world before this war. Mobilization of an army has always been considered an act of hostility by neighboring countries. This would merely put organization of an army on the same footing as mobilization of an army is now. Should any country undertake to increase its military establishment beyond the force necessary to preserve peace within its own borders, then this country could always stand ready to outstrip such preparations for war by more extensive preparations on our part. This would end them.

I am aware that the peace for which I am pleading—a peace permanent and universal—will be characterized by many as a vain dream, an aspiration wholly irreconcilable with human nature. War, they will insist, is such an essential feature of existence that as men have always waged it in the past so they will always be found either waging it or preparing to wage it.

Now of course if this be true, if war is indeed an essential condition of human existence, denunciation of it is but vain rebellion against the dispensations of Almighty God. But I deny that such a peace is unattainable or that the desire for it is a vain aspiration of enthusiasm.

And in taking this position I plant myself upon unassailable ground, for I am merely contending that nothing is impossible which has already occurred. What man has done that man can repeat. And what man has done under conditions that were difficult and almost desperate, he can certainly repeat under conditions that are vastly more favorable.

Peace for the sake of peace—not as a measure of policy for the advantage of one nation at the expense of others, but as a measure of justice for the benefit of all nations and all the children of men inhabiting them—has already been established in this world. Once—and once only, so far as I know—was peace established on any other ground than as a matter of policy for advantage of the state consenting to it or enforcing it, and that was in a time of even more widespread conflict than this, and when the disastrous results of prolonged war which are now potential were actually scourging the human family and driving it to extinction.

Nearly nine centuries ago the wars and disturbances that had continued almost without intermission for five hundred years after the fall of Rome had exhausted Western Europe to such a degree that men were driven by famine to feed on the flesh of each other. Raoul Glaber, the contemporary writer to whose chronicles we are indebted for knowledge of these events, tells us that travelers were waylaid on the highways and killed, not by robbers for any valuables of which their bodies might be despoiled, but by starving men, that the bodies themselves might be used as food.

He tells us of a wretched human being who posed as a hermit near Macon, and who lured to the hut he occupied a man and his wife, by offering them hospitality for the night. The man, while sitting on a stool, saw under the bench that served as a couch several human skulls. Re-

sisting persistent efforts of the hermit to detain them, he and his wife escaped to the neighboring town where they informed the authorities of what they had seen. A posse went to the hut and there found no less than forty-seven skeletons of men, women and children who had been killed by the hermit and their flesh either eaten by him or sold to persons perishing for want of other food. The execution of this monster, Glaber tells us he himself witnessed.

In that crisis, when under the double scourge of famine and war, population declined so rapidly that its extinction seemed inevitable, the Church invoked the moral forces, of which She is custodian, for the preservation of the race. Under the severest ecclesiastical penalties She forbade men's attempting or perpetrating any violence against others. Overawed by the terrible conditions in which they found themselves, the great ones of the earth obeyed Her prohibition. The peace which followed was declared to be the Peace of God. The man who violated it was pronounced anathema, outlawed from all human association, refused even the right of sanctuary which was denied to no other human being.

Glaber says that immediately, as if to show God's approval of this peace, the seasons again became propitious, and for three years prosperity such as no man could recall smiled upon the earth. Indeed so great were the blessings which crowned this peace that cupidity was reawakened among the powerful, and again proved too strong for the resolutions of morality and the restraints of religion.

The Church, unable to maintain the Peace of God through appeals to the temporal interests of men, succeeded a few years later in establishing the Truce of God by appeals to the spiritual faith of men. She prohibited all war or deeds of violence between noon on Saturday, the eve of Our Lord's Resurrection, and six o'clock on the

following Monday. This prohibition having proved effective, She soon extended it, first, from Wednesday, the eve of Our Lord's betrayal, till Monday morning, and afterwards to include the whole of Lent and Advent, the Ember Days and the period between the vigil of each great festival and the day following the close of its Octave, so that less than one-third of the year remained as an "open season" for fighting.

This truce of God was quite generally observed throughout Europe. Under its influence the energies of men, no longer wholly absorbed in war, turned to industry. And when, at the end of that century, Pope Urban II preached the First Crusade, he simply proclaimed anew the Truce of God among all Christian princes, forbidding them to engage in wars among themselves and urging them to unite for liberation of the land, sanctified by the footsteps of Our Divine Redeemer, from the polluting domination of the infidel.

The Crusades failed in effecting the immediate object for which they were organized, but they constituted a movement that changed the whole aspect of the world. The necessity of providing the Crusading armies with means of transportation and subsistence led to a revival of industry. Communes were founded, manufactures established, the arts cultivated. This whole industrial civilization of ours had its origin in that movement which established peace among Christian nations, not for the benefit of any country but for the benefit of all men, and, therefore, for the glory of Almighty God.

And if the Peace of God was thus actually established, even for a few years, in an age when rapine and conquest were supposed to be the only pathway to prosperity, and arms the only calling that honorable men could follow, who shall say that the Peace of God cannot be re-established and made permanent in this age when men

have enjoyed the extraordinary prosperity which has been the fruit of peace long unbroken; and when all the moral forces of Christendom are ranging themselves behind the Pontiff, who is the Prince of Peace, in his efforts not only to end this war but to make its recurrence impossible?

Personally, I believe that if peace be once established disarmament will follow naturally, and to avoid recurrence of war will become the passion of the human race. The notion that fierce international hatreds must long survive this conflict is utterly unsound. Men are never embittered against each other merely because they have fought in war. No nations are more warmly attached to each other than those which have contended valiantly in battle. Russia and Japan were locked in deadly conflict but ten years ago. Now they are allies fighting not through obligations of a treaty, but from a sense of mutual interest and mutual respect.

With the moral forces of Christendom denouncing the inherent wickedness of war, and all recent experiences making clear its wastefulness, its sordidness, its unspeakable loathsomeness, it is inconceivable that men will remain indifferent to the necessity of ending it finally and forever.

The fact that Almighty God has placed such resources as I have indicated within the reach of such a man as Woodrow Wilson justifies the hope—nay, it imposes the belief—that this desperate conflict will prove to be not a cataclysm in which Christian civilization is tottering through fury and destruction to irretrievable ruin, but a great dynamic movement through which it is casting aside conventions and traditions that have become outworn, and therefore restrictive, before leading the human family upwards through peace and justice to a plane of prosperity—material and moral—higher than has ever yet been attained, grander than we are able now to conceive.

XIII

Why I am a Catholic

IT is surely among the most extraordinary features of these extraordinary times that I, a Roman Catholic should be found in this Congregational Church explaining my faith, not in the hope of averting penalties for professing it, but assured of a tolerant, patient hearing while I vindicate it and defend it to the utmost extent of my ability. Such a spectacle would have been impossible a few years ago, even in this country where tolerance of religious beliefs is the very essence of the social and political system. It would be impossible still, I think, in any other country of the world.

Moreover, this meeting is as auspicious as it is unusual; for it shows that in these days the various Christian sects prefer to examine doctrinal differences in a spirit of candor and philosophical inquiry rather than to quarrel over them as of yore, in rancorous intolerance. And as philosophical examination of differences is always a step—and a long one—towards removing them, may we not hope that this gathering is evidence that all Christians are beginning to realize the necessity of uniting in defense of Christianity itself against the rising tide of agnosticism which aims to engulf and extinguish the light of divine revelation through the world.

It is in this hope that I have accepted your invitation to explain why I am a Catholic. Stated in the briefest

possible compass, I am a Catholic because I am a Christian. I am a Catholic because I accept without question, limitation or condition, the body of the scriptures, the account they give of creation, including the creation of man, his fall and his redemption through the incarnation, death and resurrection of Jesus Christ. And I acknowledge without any reservation whatever the law which they prescribe for the government of human conduct here on earth, by observance of which in this mortal, sorrowful life man can recover admission to an immortal and blissful life beyond the grave.

Now it is of course true that in acceptance of the Bible all Christians are united. It is only over the proper interpretation to be placed on certain features of the New Testament that divisions have arisen between them. And while it is these divisions with which we are chiefly concerned in this discussion, let us begin by stating briefly the points on which we agree.

Without pausing at this moment to answer the sceptic's criticism of the historical value of the Bible, I think it may be asserted that it embodies the only account of man which is wholly consistent with philosophy and reason. I do not mean to say that reason can understand it, because of course it is miraculous; but I do mean to say that it is the only account that reason can tolerate. All other attempts to account for man are repugnant to reason, according to the very rules established by reason itself for determining the truth of any proposition.

Philosophies have busied themselves with attempts to differentiate man from the animal creation of which he is a part: but not one of them is consistent with the unquestioned facts of human experience. They describe him as an animal that can combine elements into a structure for a shelter, or invent implements to reinforce his industrial capacity, or as a political animal. These descrip-

tions, however, do not establish any essential difference between man and other animals, many of which are said by competent authority to possess the same qualities or capacities, though of course in a much smaller degree. A more vital difference lies in the fact that man, as the Bible discloses him to us, is the only living creature possessing a full sense of law.

To avoid any possible confusion of thought through improvidence in the use of words, it is necessary to make clear at this point what kind of law we mean: for of law in many of its forms, the law of nature or the physical law governing all natural bodies, and even of economic law in certain rudimentary forms, we cannot deny a knowledge to certain of the lower animals. Even obedience to law through fear of punishment for its violation is not peculiar to man. It governs many animals. It is the influence through which horses and dogs are trained to perform acts entirely foreign to their natural dispositions.

Philosophers moreover, have attempted to establish a kind of law based on what they call intellectual efforts. This law signifies a rule of conduct in obedience to which men voluntarily refrain from certain acts which could not be performed without injury to the remainder of society. But law in this sense also the lower animals are capable of understanding. Both the bees and the ants are known to appreciate it and to obey it.

The law which man alone, among all created beings, possesses is the moral law to be obeyed for its own sake, for the sake of Him who gave it. It is the command laid by the Supreme Creator upon the highest of His creatures, and I entreat your special attention to this aspect of law, since it holds the key to the problem we are considering, and explains all the human events that have transpired upon this earth. All history shows that

obedience to this divine law, not necessarily through realization of its value, but through reverence for the Divinity of its Author, constitutes the only infallible method of attaining permanent prosperity by individuals, or by states. Violations of it may at times have borne what seemed advantages for the transgressor, but without exception the law has been vindicated by the overthrow and ruin of its assailants. It is a full sense of this law which is peculiar to man.

Now man is first disclosed to us, in the Scriptures, leading a life without sin, under happy conditions of ease and abundance, the requirements of his existence supplied by spontaneous action of the earth, or rather through fruits produced by the earth at the direct command of Almighty God. But here at the very commencement of his existence, one command is laid upon him, that is to say one moral law is prescribed for him. He is forbidden to eat the fruit of a certain tree. No reason is assigned for this law. It is simply a command issued by the Almighty Creator to His creature, His inferior, who is left entirely free to obey or to disregard it.

In the exercise of that freedom man disobeys it. By that disobedience sin and death enter the world. In expiation of his sin, man is sentenced to die after an indeterminate period of life. At the same time he is given the wider moral law which must govern his existence while he remains on earth. He is told that in the sweat of his brow he and all his posterity must eat their bread. That command remains the law of human existence until this hour.

From the beginning, however, man has attempted to evade this law, and to eat bread earned by the sweat of other men's brows. To this attempt all of the disorders and disasters that have befallen states, and nearly all of the crimes that have scourged and debased individuals,

can be traced. Slavery, the darkest blot that ever rested upon social organization, was seizure by some men of bread produced by the toil of other men. All the military enterprises of conquest and pillage and slaughter and ruin undertaken by nations against others had their source in the same motive. Every robbery or fraud is but the attempt of one individual to possess himself by violence or stratagem of the bread produced in the sweat of other men's brows.

As man multiplied in numbers the divine law was disregarded in every direction. But it was never suffered to disappear from the face of the earth. More than once direct interference of its Divine Author was necessary to save it from extinction. And although at times reduced to such dimness that it was barely discernible, it was kept alight for the ultimate redemption of man.

The degradation to which man sank by disregard of God's moral law is disclosed to us by the awful conditions that prevailed in Sodom and Gomorrah, while the sleepless determination of its Divine Author to enforce it is shown in the fate that befell these cities.

Obedience to the divine law became at last so rare, and even knowledge of it so close to extinction, that but one man apparently could be found in the whole world who cherished a belief in it and who obeyed its commands. That man was Abraham. Him Our Lord chose as the agent by whom His law was to be perpetuated. Him Almighty God set aside as the instrument through whom the light of His law should be kept alive in this world. But before finally choosing him for this high function, his sense of the law, his readiness to obey it, even at whatever risk or sacrifice merely because it was the command of God, was put to an extreme test.

The child born to him in his old age, the life-long object

of his hopes, his ambitions and his prayers, he was commanded by the Lord to offer as a sacrifice. He was not threatened with any punishment for disobedience, he was given no promise of reward for compliance. But while entirely free to disregard it, yet without question or attempt at evasion Abraham obeyed the command of the Lord. To the very last moment the test of his obedience was prolonged. He was suffered to reach the place destined for the sacrifice, to gather materials for the fire; to bind the limbs of his son; to take up the fatal knife, to complete the very last of the necessary preparations. Not until his hand was raised to strike the fatal blow did Almighty God interfere to stay completion of the sacrifice. And then Abraham was told that because he had obeyed the divine command, that is to say the divine law, without question, hesitation or evasion, even when he believed that it involved the sacrifice of what he held immeasurably dearer than his own life, he would be prospered beyond all men, his seed would be multiplied and made the force through which all the promises of God to man would be redeemed and fulfilled.

Some hundreds of years later we find Abraham's progeny multiplied to many hundreds of thousands in a land which was then the most civilized in the world, the land of Egypt. This civilization however, was built upon disregard of the divine law. Its political system was despotism, its industrial system, servitude. The Israelites though they had arrived there as guests were enslaved, compelled by fear of the lash to toil laboriously not for their own support, but to produce in the sweat of their brows necessities and luxuries for other men.

Again the Lord manifested Himself to preserve His law from extinction. By a series of miraculous interventions, the people of Israel were delivered from Egyptian bondage, and their footsteps directed towards the

country which the Lord had assured Abraham that his descendents would possess and occupy. During their journey, God revealed to them an additional series of commands by which they were to be governed when they came into possession of the land which had been promised them and towards which His servant Moses was then directing them. These commands, not laws, but "the Law," besides enjoining observance of the Sabbath and respect for parents, and forbidding any wanton or profane use of God's Holy Name, or the fashioning of any graven image for the purpose of idolatry, reënforced the original command, that each man must eat his bread in the sweat of his own brow, by prohibiting every man from injuring his neighbor in his life, his limb, his character or his family, and even from coveting his neighbor's property or his neighbor's wife.

Again the innate tendencies of man rose in rebellion against the command of God. Again the law which He revealed in mercy was violated in sin. While the thunders in which these commandments reached Moses were still reverberating in the skies, the Jews renounced the worship of Him who after having delivered them from bondage had miraculously fed them with manna in the desert.

After this rebellion had been expiated by prolongation to forty years of their journey through the desert, they were permitted to enter and possess themselves of the promised land where they organized a political society or nation on the law embodied in these ten commandments.

While the law of God was obeyed the Jewish nation flourished. When the law was disobeyed the nation was scourged by famine, by war and by dissension. Ten of the tribes mingling with adjacent peoples turned from obedience to the true God to the worship of idols. Their identity was lost, they disappeared from the knowledge of men. The remaining tribes, though often disobedient

to their God, never wholly lost sight of him. Belief in the ten commandments remained even though their injunctions were often violated and their prohibitions disregarded. In punishment of their transgressions they were taken captive to Babylon. The Temple was destroyed, the ark of the Covenant disappeared, the Sacred Fire became extinguished.

But the light of revelation though often darkly obscured still flickered dimly. The Jews preserved their separate identity. After their release from captivity they rebuilt the Temple and continued to occupy the City of David, until inevitably in the fullness of time the scriptures were fulfilled, and there was born in Bethlehem a man child who was also God.

This child when He was grown to man's estate completed the revelation of God's law to man. When His mission was ended, the whole body of law was established. He did not in any way abridge or annul the law as He found it. He Himself declared that He had come not to annul the law but to amplify and to enforce it. He amplified it by two important commands or injunctions. The prohibition against injuring his neighbor, or even wishing to injure him Christ supplemented by the command that man love his neighbor as he loves himself. Not only must he refrain from injuring his neighbor, he must serve him, for no man can love another without desiring to serve him. And the neighbor whom each man must love as himself, and therefore serve whenever opportunity arises, is not a man of his own race or country or creed, but all men even the outcast and the outlawed. This was made clear when Our Lord, in answer to the lawyer who asked Him what was necessary to salvation, replied that, next to loving his God above all things, the whole duty of man was to love his neighbor as himself. When the lawyer asked Him: "Who is my neighbor?" Our

Lord uttered the parable of the Good Samaritan, making clear that Christian neighborhood is wherever a man loves and serves his fellow men.

Besides this injunction of mutual love and mutual service, Our Lord commanded all men to do in commemoration of Him that which He Himself did at His Last Supper. According to St. Matthew, Jesus took bread and blessed and broke and gave to His disciples, saying: "Take ye and eat; this is My Body," and taking the chalice, He gave thanks and gave to them, saying: "Drink ye all of this, for this is My Blood of the New Testament which shall be shed for many unto remission of sins." St. Mark gives substantially the same description, as does also St. Luke, except that according to the latter Our Lord after distributing the bread and the wine in substantially the same words added, "Do this for a commemoration of me."

Here then is the whole body of the law as all christians accept it, the rule of conduct by which a man can support existence in this life and at the same time qualify for an immortal life beyond the grave.

But Our Lord did more than proclaim the law. As God, He revealed the law; as man, He Himself obeyed it, under conditions the most trying and difficult that could arise in this life. The obedience that He exacted of man He Himself yielded. Each glimpse of Him which we obtain during His early life shows Him in the act of obeying the law. His birth occurred in a stable far from the abode of His parents because they were travelling to Jerusalem for enrollment, in obedience to the decree of Caesar Augustus, that is to say obedience to the law of the empire. His journey to Jerusalem for circumcision is an act of obedience to the law of Moses. And when for the last time before commencing His mission, He is seen arguing with the doctors in the Temple, and con-

founding them by His wisdom, His presence there is due to the fact that every year, in obedience to requirements of the Jewish law, He accompanied His parents to Jerusalem, making on foot that long journey which must have taken a week or ten days each way.

When He first formulated the law, in the Sermon on the Mount, it must have seemed an idealism so extravagant, so impossible of practical application, that any attempt to embody it in government would inevitably lead through social convulsion to hopeless disaster. Looking back at it now, in the light of its results, we can discern its transcendent merit, but to the members of that society, it preached a gospel of confusion and anarchy.

Consider for a moment the character of the times. Labor was servile, government despotic. The different elements of society were inflamed by bitter hatred of each other. Fear was the only bond that bound them together. Cæsar hated those nearest to his throne, since their proximity might at any time be utilized to assassinate him. The nobles hated Cæsar at whose nod any one of them could be bereft of his property or his life. The slave hated the master whom he was deterred from killing only by fear of fearful punishment and the master hated and feared the slave.

It was to such a society that Our Lord uttered the Beatitudes, proclaiming those qualities which all men then held in deepest contempt to be those of the highest merit, and conditions then held to be the most abject, sordid, and degrading, to be those of the highest dignity.

At the end of Christ's preaching, and on the eve of His passion, we find Him first imploring His Heavenly Father to remit the requirement that He must suffer and die at the hands of His own creatures. But the command, being left in force, He yielded implicit obedience to the divine decree. Obediently He tendered His wrists to be

bound by the men whom the authorities had sent to apprehend Him. And this after they had fallen prostrate, (gone backwards as St. John tells us), overwhelmed by His majesty, when in answer to their question, "Which is Jesus of Nazareth?" He said "I am He." When the chief of the apostles drew a sword in defense of His Divine Master, Our Lord bade him put it away, declaring that it was not an effective method of defending the truth. Did not St. Peter know that it was not for Him, the source of all law, to resist the enforcement of law?

And so in obedience to the law He turned His footsteps in the direction commanded by His captors. Through all the torment that followed, through the insults of the mob, the blows of the scourge, the sharp points of the thorny crown, the terrible ascent of Calvary, the long drawn agony on the Cross, never for a moment did He make the slightest attempt at resistance, or utter a word of complaint. Obeying the law He suffered grievous torments and a death declared shameful by the greatest government on earth.

The divinity of Jesus Christ, and therefore, the title to divine authority of the Law which He gave, are attested by the miracles He wrought, and by those of which He was the subject. His miraculous conception, the heavenly chorus that acclaimed His birth, and all the miracles which He Himself wrought, from the changing of water into wine, in Cana, down to His resurrection from the tomb and ascension into heaven, who but the sceptic will deny?

And, let us see what such a denial entails. The sceptic will admit that there is a Christian Civilization. Nay he will assert it, modestly allowing it to be inferred that he is himself its chief ornament. Nor will he deny that the fundamental principle of this civilization is the rule of morals and conduct embodied in the christian gospel.

John Stuart Mill, the most radical of free thinkers, and among the most ingenious, admits the supreme ethical excellence of the Sermon on the Mount. He asserts that it embodies the purest morality ever conceived, and constitutes the most valuable contribution ever made to human progress; but declares that there is nothing to show that it was not the work of a man.

I answer that there is everything to show that it could not have been the work of a man. Consider how that law was announced, the conditions under which it was first proclaimed, and then tell me, was miracle equal to its universal acceptance and the wonderful fruits it has borne ever mentioned in the scriptures to test the faith of man? How could this pure rule of life obtain the wide authority it now exercises? It was not proclaimed by any recognized law-giver, or launched by any authority known to man. It was not proclaimed by any king or head of a state to subjects whose obedience he could command by armed hosts. It was not formulated by a school whose learning was extensive and whose followers were among the conspicuous philosophers and scholars of the period. It was not a doctrine calculated to maintain the existing order of society, and therefore, one which the rich would wish to see widely diffused and adopted. No, it was revealed by a carpenter's son, who had enjoyed no educational advantages, to a number of fishermen, unlettered, unimportant, uninfluential: and this doctrine preached on the Mount, and later throughout Palestine, was utterly at variance with the existing order, social, political and economic.

To a society animated mainly by pride, Christ declared the supreme merit of humility. Where prowess in conflict was held the highest form of civic virtue, He declared that the peacemaker alone should see God. Where acquisition of wealth was the sole object of men's desires,

and possession of it the badge of distinction, He declared that the poor, the destitute, the hungry were the supreme objects of divine solicitude. Where vengeance for injury, real or assumed, was deemed a duty, He forbade any man from harboring resentment, from returning a blow, from allowing his brother to nurse a sense of injury, if by any act that brother could be reconciled. Though he were actually in the temple with a gift to offer in sacrifice, let him leave that gift, and go to his brother and become reconciled with him. Then let him return and complete his offering, which only then would be acceptable in the sight of God. No man might address an injurious word to another. He who called his brother fool incurred the judgment. He who called his brother Raca risked hell fire. Commanding every man to judge himself, He forbade him to judge another. Who saw a defect in his brother's character, a mote in his eye, was bidden to remove the beam from his own eye.

But if all men are brothers, who could sit in judgment on another? If no man can misuse another, how could the slave be made to work? And if the slave did not work, how could prosperity survive, how could life itself be supported? Was it not because He knew that they were asking these questions that Our Lord declared to them that the birds of the air neither reap nor gather harvests in barns, yet they lack neither food nor shelter? He bade them to consider the lilies of the field, they toil not, neither do they spin, yet Solomon in all his glory was not arrayed like one of them, and if the Lord provided these lesser members of creation with every necessity just because they obeyed His law, could not man, the highest of His creatures, trust Him for like provision if he too obeyed? "Seek ye therefore first the Kingdom of God and His justice, and all these things shall be added unto you."

Looking back for nineteen hundred years during which this law has acquired ever widening authority, we can see how completely, triumphantly and abundantly this promise has been fulfilled, but how can we account for the general acceptance of the Law, at the time? Not merely did it spread throughout the world without aid from any earthly source, but it triumphed in the teeth of obstacles and difficulties that no merely human resources could have withstood.

Among the multitudes to whom it was first revealed it was discredited at the outset by the shameful death it brought upon its author. Even the chosen apostles, the companions of His intimacy, had forsaken and abandoned Him. Of them all, but two had followed Him to the house of the high priest where He was arraigned, and of these, one, renounced and denied Him. There was but one at the foot of the cross when He died. And after His death even those who cherished His memory so deeply that they came to His tomb on the day following the Sabbath, had so little faith in His prophecy, that He would rise on the third day, that they came bringing spices to anoint the body that they expected to find. And when they returned, at the bidding of the angels, to notify the other apostles that He had risen, when Mary Magdalen declared that she herself had seen Him, and spoken to Him, the statements were dismissed as idle tales. Even though Peter and John, after running to the sepulchre, found the grave clothes lying upon the ground; even after the two to whom He had disclosed Himself on the road to Emmaus had returned and told their experience, the rest of His chosen disciples remained incredulous. Not until He Himself had appeared among them and reproached them with their hard-heartedness, had they acknowledged His resurrection. And even then the one who was absent refused to believe, until

with his own hands he had touched the wound in His side, and the prints of the nails in His hands and feet. And when after forty days spent among them preaching and teaching as of old, Christ had ascended to Heaven before their eyes, and with faith confirmed they had returned to Jerusalem singing exultant hymns, they had still been afraid to proclaim aloud the truths of which they were convinced. Not until the tongues of fire had descended upon them in the house where they assembled secretly through fear of the Jews, had they been converted from timid, secret believers to effective exponents and dauntless champions of the gospel entrusted to them. And yet these men, admittedly uninstructed, proved irresistible advocates of the new law in every tongue then spoken in the civilized world.

Now it is undeniable that the spread of this gospel worked a most extraordinary revolution in human conditions. It became the source of a new civilization built upon an entirely different conception of man. As the ancient civilizations had for their object the control of human vices; so the new civilization had for its aim the development of human virtues. The old, accepted for its fundamental principle the total depravity of man. The new, had for its vital essence the infinite perfectability of man, for the Christian conception of man is that while capable of sinking into degradation almost inconceivable, so also is he capable of such infinite perfectability that God Himself could assume manhood, not the semblance, but the nature, of man, without in the slightest degree abasing His divinity.

As this conception gradually spread throughout the world, institutions built upon distrust of human vices gave place to institutions built upon confidence in human virtue. Government by consent displaced government by coercion. Each man was left the utmost freedom in

the disposition of his own energies. And it is this principle of government that is now spreading throughout the world. Surely this growth of Christian civilization is itself the most stupendous of all miracles, greater even than those by which the divine origin of the Gospels is attested.

As to these points of fact all Christians are in agreement, but now arises the question of interpretation, and interpretation is the source of all our differences. The law which was given to the world is not self evident, nor was it ever self evident. The old law, which dealt with a primitive civilization, and therefore, with conditions much less complex than those that confronted the new law, was constantly in the process of authoritative interpretation by the prophets, but from the moment that the new law was given, its interpretation became a source of widely conflicting opinions, Arians, Gnostics, Pelagians, and many other types of interpreters showing, by the diversity of their opinions that an authoritative interpretation of the Scriptures was again necessary. Even the question as to what constituted the Scriptures became a matter of fierce dispute.

It is unnecessary to dwell upon the history of these early differences which have long since ceased to be matters of controversy, but as the questions brought out in the later division, called the Reformation, continue to divide the church today, let us discuss them under the four following heads:

First. Catholics believe that besides disclosing to man the complete law by which his life must be governed, Our Lord instituted His Church to be the infallible exponent of His Word, and for that purpose equipped Her with all His Own Authority to interpret and define the law which His Word embodies.

This non-Catholics deny, insisting that each man must

interpret the word, that is to say, the divine law for himself.

Second. Catholics believe that in the sacrament of the Last Supper Our Lord actually gave His Own Body and Blood, soul and divinity to His disciples, at the same time authorizing them and their successors to offer the same miraculous gift, to all those who believed in Him, until the consummation of the world.

This non-Catholics deny, insisting that the commemoration which they concede Our Lord commanded, was to be, not a reproduction or continuation, but a mere ceremonial or dramatic representation, of His Last Supper.

Third. Catholics believe that to obtain forgiveness of sins, besides confessing them to Almighty God with a sincerely contrite heart, they must confess them to a priest, especially anointed and authorized by God Himself, through the Church that He instituted, to pronounce absolution of them.

This non-Catholics deny, insisting that confession of sin to God Himself is sufficient to secure complete pardon for the sinner.

Fourth. Catholics believe that intercession of the saints is effective with Almighty God to Whose presence they have been admitted, and that this aid should be invoked by the living.

This non-Catholics deny, if indeed they do not condemn it as savoring of idolatry.

And as a corollary to the belief that we, still on earth in a state of probation and difficulty, may be aided by the intercession of those happy souls who by their merits have secured admission to eternal life, Catholics believe that the dead who are not wholly lost, but who have passed out of this life with many imperfections on their heads, can be aided by the prayers of the living. We believe that nothing with the slightest imperfection or

shadow of sin can be suffered in the presence of Almighty God; that those only who die unrepentant of grave crime or mortal sin are wholly lost. We believe that those who pass from this earth in a state of minor sin must undergo in the next life a period of expiation or purification before they can be admitted to Paradise. This period of probation (necessarily one of suffering, for by suffering only can sin be expiated) may be abridged by the favor of Almighty God, which favor He may be moved to show by the prayers of the faithful here on earth. Hence prayers for the souls of the faithful departed that they may be brought soon into the presence of their Maker is a part—and a very important part—of Catholic doctrine.

Now, let us examine each of these differences in turn, in a spirit of absolute candor, and of absolute good-will and forbearance

First. Catholics believe that the church has plenary authority from God Himself to interpret the Scriptures, because we ourselves would be unable to agree upon the meaning without an interpreter possessed of the same authority as that of their Author, and because the plans provided in the Scriptures for the building of the church are marked by a wisdom superhuman and therefore the result of divine inspiration. No words that can be employed can convey a definite rule of conduct unless there be an agency to interpret those words. No law can define itself; and the enforcement of the law cannot precede, it can only follow, the definition of the law. It is manifestly impossible to enforce a law, unless we know authoritatively what it is that is prohibited or commanded. This is obviously true with respect even to the municipal law which governs only men's actions. In much larger degree must it be true of the moral law which governs men's thoughts or belief, since thought includes also the actions that it commands.

When the municipal law is violated, the state enforces it by measures of prevention, where prevention is possible, or by deterrent measures in the form of punishment announced in advance against commission of the act. But no words could conceive the rule of conduct so clearly that men would not differ about it. The essence of law is uniformity and definiteness. Unless it establishes a definite rule of conduct for men, it cannot be called a law. If every man could interpret the law for himself, there could be no enforcement. No man could be punished for violation because he could justify his violation by the interpretation which he placed upon it. The Constitution of the United States is declared to be the most perfect instrument ever evolved from the brain of man. It does not concern the personal acts of men. It merely prescribes certain operations of government, and those on the most extensive scale. And yet the interpretation of the Constitution has been a source of dispute almost from the moment of its adoption. One disputed interpretation caused the greatest civil war of modern times. A great court spends its time deciding the disputes that arise over its meaning. Volumes have been written, but the task of interpretation is not yet complete, nor ever will be.

Now nobody claims that the interpretation of the Constitution need be infallible; it is enough if it be final. But the law which the scriptures enjoin is the law of belief. It deals with thoughts. If there be any authority to interpret that law, that authority must be infallible, because obviously, man could not acknowledge the authority of such an agency, and at the same time refuse to believe it. Refusal to believe it would be denial of the interpreter's authority. Since therefore the correctness of its interpretation cannot be questioned, it must be infallible. And if the interpreting body must be in-

fallible in its interpretation, then also the agency through which it effects the interpretation must also be infallible.

Now is there a necessity for this interpretation? If there be no exterior agency to interpret the moral law infallibly, but every man may interpret it for himself, then every man must be infallible. And in point of fact that is exactly the situation which has been produced by denial of authority to interpret the sacred scriptures. If an injunction of Our Lord should mean one thing to me and something totally different to another, and each of us was infallible in his interpretation, the scriptures instead of establishing the law binding on all men would be simply a source of confusion as to the moral duties of men. While Our Lord Himself was on earth how many times do we find the apostles asking themselves: "What is it that He means"? In the Epistles of St. Paul and in the Acts we find differences of opinion already arising over what the new law required. And while the authority of the Apostles seemed enough to compose these differences while they lived, almost immediately after their death the differences broke out afresh. They were discouraged indeed by the persecution which brought Christians together, but almost coincident with the liberation of the Church from persecution the most serious division that ever affected it arose.

Arius, a Priest of Alexandria, denied the divinity of the Son, the Second Person of the Blessed Trinity. That was the most formidable division that ever threatened the integrity of the Faith. The great Creed of the Council of Nicea had been finally formulated and established. The three Persons of the Trinity had been declared co-equal, separate, and distinct; yet one God. But this authority the followers of the Arians denied and for a time they outnumbered the believers in the Trinity. The Court of Constantinople became Arians.

The Vandal Kings who had established their thrones upon the empire of the West were almost all Arians. But that heresy passed as did others which it is not necessary for us to consider now. The very integrity of the scriptures was at stake for centuries, until finally the council of Chalcedon established the Old Testament, and the four Gospels, the Acts of the Apostles, the Epistles of St. Paul, St. James, St. Peter, St. John, St. Jude and the Apocalypse, as the body of the scriptures.

These divisions, the Church has dealt with in two ways, through the Pope and the ecumenical council, although the latter had no authority, as its decisions had to be ratified by the Pope.

The authority of the Pope is based upon the belief that he is the successor of St. Peter, who was made chief of the Apostles by Our Lord, and who established his See in Rome. It is as Bishop of Rome, successor of Peter, that the Pope rules the universal Church.

Now we believe that the selection of Peter as chief of the Apostles is shown not merely by the expressed words of Our Lord, but by the entire current of the Gospels. St. Luke specially says that he was the first. Our Lord, after testing Peter's faith, said, "Thou art Peter and upon this rock I will build my Church, and I will give you the keys of my kingdom. Feed my lambs, feed my lambs, feed my sheep." Wherever the Apostles have spoken it has always been through the mouth of Peter. Their weaknesses as well as their virtues were exemplified in him. And finally the last words of Our Lord, as St. John records, are His demands "Simon Peter Lovest Thou Me?" and upon Peter's having answered twice in the affirmative, He said, "Feed my lambs." And when He asked him for the third time and Peter expressed his sense of injury at the repetition of the question, He said, "Feed my sheep."

It must be borne in mind that in assuming Peter to be the first of the Apostles, it does not follow that we believe that he was the best of the Apostles. On the contrary he exemplified the weaknesses to which they were subject, just as clearly as he typified the excellence which they could reach. He was the most emphatic in the profession of attachment to his Master. But he was the only one who denied him specifically. He fled with the others from the garden of Gethsemane, and he seemed to have no greater belief, than did the others that the promise of the Resurrection would be kept. Nor is Peter described as the disciple whom our Lord loved best. That high place was held by him whose head was pillowed on the shoulder of Divinity at the Last Supper, the beloved John.

Now as authority is essential to the exercise of the function which the Church was selected to discharge, that authority must necessarily be concentrated in an agent always equipped to exercise it. That agent is the Pope, aided by councils of the Church, called from time to time when grave emergencies arise to assist the Pontiff. But the Pope's function is purely that of interpreting the law, guarding it, through his bishops and priests whose vigilance is eternal and continual. This makes the law uniform throughout the world, not merely in its orders, but in its enforcement. As the law of a well ordered state is enforced by suitable agencies in every part of its territory, so the law of God is enforced throughout the world, wherever the Church has established her organization.

In this place, Flushing, the parish Priest is Monsignor Donnelly. He is charged with the faith, responsible for it, and bound to defend it by every means in his power. He is sitting here upon this platform. If I should say one word which was inconsistent with the Faith, as the

Church holds it, it would be his duty to stop me, and that would not be an act of hostility to me, rather it would be an act of friendliness, for which I should be grateful. And that authority I must accept, even though I believe his interpretation wrong and mine correct. It would, however, be my right at once to go to the Bishop. In like manner, if after the Bishop had declared the law in his Diocese, he had reason to apprehend that his judgment might be questioned in some other diocese, it would be his duty at once to place the matter before the Pope. And if two bishops reached conflicting conclusions, the Pope of his own motion would take cognizance of the conflict, and his conclusion would be binding on Catholics throughout the world. Without such a system of authority, we might have a hundred different faiths based upon exactly the same source.

In all this we see nothing that we do not see in operation around us every day, in the much less important domain of the statute law. Suppose the county judge issued an injunction restraining me from going into this building, could I tear it up and stamp upon it? Not at all. Though I might be perfectly convinced that his action was entirely unwarranted, yet must I obey it until my objections are presented to the proper tribunal. If that tribunal upheld the injunction, I must go to a higher tribunal, and so on until I came to the final body, whose judgment would be irreversible.

The function of the Pope then, in the last analysis, is merely that of the absolute great final authority, except that it is necessary that he should be infallible to make his authority effective, whereas it is only necessary that the authority of the state court should be irreversible to make its finding effective for the enforcement of the municipal law.

There is nothing in the action of the Pope that is not

followed exactly in the action of the state tribunal. Every decision involving the important features of our constitution has been decided by divided courts, and usually by a majority of one. That one ultimately has declared the constitution and made it. And that one often was the weakest member of the court.

With us in the Church, by processes of selection, the man who becomes Pope is, almost invariably, the very highest embodiment of the moral law which he must interpret. But as in the state courts, a man might himself be depraved, vicious, a violator of law, and yet his decisions would be binding on all citizens, so, while we hold the Pope and the Church of which he is the head to be infallible, we by no means hold that the head of that Church, or the Bishops, Cardinals and Priests who surround him, are impeccable. Though the Pope were depraved, and all the Bishops depraved, the truth would remain the same.

Now the infallibility of the Pope seems a very comprehensive power, but when we consider the conditions under which it must be exercised it becomes much narrower. For on all the questions which his predecessors have decided he is bound by their conclusions; to impeach their authority would be to impeach his own infallibility.

It is true that infallibility was not decreed until 1868 or 1870, but it was always a feature in the practice of the Church. And so far from holding that infallibility implies impeccability, the Catholic believes that the Pope is held even more strictly to obey the law than the humblest member of the Church: the higher the authority the stricter the obedience the Lord will exact.

I think it is at the Cathedral at Rheims that one of the outward walls is carved in panels representing the last judgment. On the one side are the blessed and happy

who were bidden to enter the presence of their Father, and that line is headed by the humble, the needy, the lame. On the other side is the dreary procession of the damned, led by mitred prelates dragged into the depths of flaming fires by ropes of flame in the hands of exultant devils; and this embodies the entire doctrine of the Church with respect to the responsibilities bestowed upon ecclesiastics. They are held not merely to obey the law of which they are the depositaries, but to exemplify it in the highest degree; and in the main I think the expectation has been met. There have been Popes who have discredited the sacred See which they occupied; but not one of them, whatever his life, has ever taught heresy; which, taking into account the difficulties which beset such an exalted office, we consider evidence of divine interposition to keep that agency intact and always effective for God's purposes of interpretation.

Again, it must be remembered that the powers of the Pope are conferred on him not for his own advantage or glory, but for the benefit of the faithful. The sacrament of redemption, the incarnation of Our Lord, His suffering, death and resurrection, the institution of the Church through the twelve apostles under the leadership of St. Peter, were all *propter homines*. It was on account of us and of our salvation that He descended from Heaven, that He was conceived of the Holy Ghost, and born of the Virgin Mary, that He suffered under Pontius Pilate, that He died and was buried, that He rose again on the third day and ascended into Heaven, and through the Holy Ghost confirmed the apostles in the faith which He had revealed to them, and that thus enlightened and confirmed they established the Church, of which we are a part: not for the Pope, or the Cardinals, or the Bishops or the Archbishops, or the Priests, but for us men, children of God. They are trustees of every power that is

conferred upon them, and are jealously held to answer for the manner in which it has been discharged. The Pope himself, in his own description of his office, is *servus servorum*, servant of the servants of the Lord. Not chief among rulers but chief among servants. That lofty ideal of office which we find to-day exemplified in our civil institutions has been proclaimed and acknowledged by the Popes ever since the days of Gregory I., for fourteen hundred years.

For me, the Pope must declare the law which he too must obey. He cannot interpret it one way for me and another for himself; for the law is essentially uniform. What I must believe, he too must believe. There is no greater efficacy in the sacrament for him than for me. But his responsibility to God for the manner in which he leads the life dedicated to the priesthood is far stricter than my responsibility for the life which I must lead as a layman.

To sum up, then, our first point, the integrity of the faith is fixed by the decrees of the Church and Council, and since error is constantly arising, the integrity of the faith can be guarded only by an agency in continuous operation. That agency cannot exercise final authority on the matter of belief unless it be infallible. All of which simply means that since the Kingdom of God is on earth, His Church must be administered by human instruments; the agencies which have always been found essential to the efficiency of human institutions must also be employed in the Church. And just as the state must establish a final authority to declare its law, the function of interpretation being independent of and additional to the function of enacting the law, so also must the Church, the divine institution, the state established by God Himself, be equipped with an infallible authority to declare what God's law commands or prohibits.

Second. Catholics believe in transubstantiation, which non-Catholics deny.

The difference in the issue here turns on whether the words of Our Lord are to be taken literally, according to their obvious sense, or whether some other meaning should be given them because the literal interpretation would involve continuous performance of a miracle. Of course, if Our Lord be in truth God, the fact that a doctrine proclaimed by Him is beyond our capacity to grasp is no reason whatever for rejecting it. No Christian would be so presumptuous as to measure the Omniscience of His Creator by the limitations of his own intellect. If that objection be removed, there does not seem to be any other which a Catholic would think worth considering. There can be no question that Our Lord at the Last Supper made three distinct statements concerning the act which He was then performing. First, He stated that the bread was His body and the wine His blood. Second, He enjoined upon the Disciples the doing of the same thing that He was doing; and He had already informed them that all power was given Him, and that the power which His Father had bestowed on Him He gave to them.

Now, it is said that He could not have meant to give His body to eat and His blood to drink, that such a conception is repugnant, not merely to the judgment but to the instincts of humanity. This criticism of Our Lord's words involves, in the judgment of a Catholic, two consequences, both of them inconsistent with His Divinity:

First, that He could not express Himself so clearly as to remove any doubt on a matter so important; and second, that at a moment so awful, when every word that fell from His lips revealed the dark shadow which His knowledge of the coming sacrifice had projected over

Him, when all the elements of His human nature recoiled from the torture and the shame that awaited Him, He would be capable of arranging a ceremonial theatrical representation of this Supper which by itself could have had little significance. The Catholic notion is that on the eve of such an event as the murder of our God by His own creatures, nothing less than a miraculous institution would have been consistent with the tremendous occurrence then in progress, the full significance of which was plain to Him as God. Such an institution we believe that He did institute. We believe that His sacrifice was not ended on Mount Calvary. Only those who saw Him totter under the weight of the cross up that dreary ascent and hang from it in agony during the three hours, were privileged to see God Himself upon earth. But we believe that that tremendous event is not commemorated alone, but perpetuated by a bloody sacrifice, where, under the form of bread and wine, His body and blood are given to every human being who is willing to ask for them.

St. John tells us that after He had fed the multitude by the miraculous enlargement of the loaves and fishes on the mountainside, He said to those who followed Him, that there was another bread, the bread of life, which was His own flesh; and that whoever ate of His flesh and drank of His blood would never die.

To say that in using these words our Saviour inadvertently employed language likely to be misunderstood, is unreasonable, since after His disciples had fallen away from Him on the ground that this saying was incomprehensible, He later used precisely the same language when for the last time He broke bread with them, just before emerging into the Garden of Gethsemane, to begin the agony that ended on Calvary.

The belief that the sacrament of the Eucharist was

the supreme gift of Our Lord to man was the unbroken belief of all Christians for fifteen hundred years. Every cathedral built during that time, even though it may have been taken from the hands of Catholics and turned to other worship, retains the tabernacle, or at least the place where the tabernacle stood, which is the very centre and purpose of a Catholic house of worship. For what is a church? It is a building enclosing a sanctuary, outside which there is space for the people and inside which there is an altar. And that altar supports a tabernacle which holds Jesus Christ Himself, true God and true man, sole Divinity. As surely as He walked in Galilee, spoke on the side of the mount, suffered in the garden, hung from the cross, rose from the dead and ascended into Heaven, so surely is He with us to-day, not in mere effigy, not in mere semblance, but in very truth, the God who created man, and who saved him; who created all the beings that have lived upon this earth, and this earth itself; its mountains reaching to the skies, its flowing rivers and surging seas; who created all the planets and constellations that sweep their course through the sky at midnight; who created all things created in this universe.

And He rests there, not permanently, but in a temporary abiding place on a journey the end of which is my bosom and the bosom of every person who believes in Him.

This wonderful sacrament is in our judgment the supreme purpose for which the Church was formed. It is the mystical union of the creature and his Creator; a union by which man becomes the temple of the living God. It is for this that all the other sacraments are instituted. It is to distribute the sacred bread, and provide it, that the Church exists. To make us worthy of this tremendous privilege baptism admits us into the

Church, where by penance and confession we regain the innocence lost through sin consciously committed. Confirmation confirms our faith in the God who has provided this mystical banquet; matrimony blesses the union from which proceed future generations who will rejoice in it and be saved through it. Holy orders provide the hands by whom the sacred benefaction is to be distributed; and extreme unction provides that the soul before parting from the body shall form this mystical union with the God before whom it is soon to appear for judgment. And this mystery of mysteries, this miracle or miracles, this gift stupendous, the mind of man cannot grasp. And yet, unless the death of a God at the hands of His creatures produces a fruit of such value and majesty and mystery, it would seem as though the sacrifice has borne no adequate results.

The third point on which Catholics and Protestants disagree is the doctrine of auricular confession, and this doctrine presents much less difficulty. All sects agree as to the value of confession, and all acknowledge that forgiveness of sins can be obtained through repentance. That is a universal doctrine. The Catholic doctrine, however, while holding these absolutely essential to forgiveness, imposes additional confession, and that is confession of sins to a priest especially empowered by Almighty God to pronounce absolution.

The rejection of this doctrine by Protestants is, it seems to me, largely due to misapprehension of it. A great many Protestants harbor the preposterous notion that priests can license the commission of sin, can authorize it and permit it. Still others have a notion—one can hardly call it a reasonable belief—that the Catholic doctrine is that confession to the priest is of itself sufficient for remission of sins. Now the only difference between the Catholic and non-Catholic is the requirement

that besides repentance, confession shall be made to a priest authorized to pronounce absolution. But the confession is not to him. The confession is to Almighty God. The priest may pronounce ten thousand absolutions and the state of the person may be a great deal worse than it was before. Absolution obtained through failure to disclose the truth, instead of working remission of sins, works to the damnation of the sinner. As our Lord commanded the lepers whom He had cleansed to show themselves to the priest, here the soul leprous with sin must be shown to the priest as a condition of its cleansing. And the priest is elaborately trained to examine the condition of that soul, just as a physician is trained to examine the condition of the body. The skill of the physician frequently enables him to discover in the human system predisposition to disease, which, when it is thus discovered, may be checked and often entirely averted. And so with the priest. He is trained to look at the human soul, and oftentimes he is enabled to discover predisposition to sin which his office and his injunction in the confessional may help to prevent. But there too it is God Almighty that acts through His ministers.

The scriptural authority to pronounce absolution, we believe to have been conferred by Our Lord when He said to His apostles, "Receive ye the Holy Ghost; whose sins you shall forgive they are forgiven them, whose sins you shall retain, they are retained." We cannot conceive that such language could refer to anything but a confessional. The apostles could not know these sins unless they were informed of them; and to inform the priest of sin is to confess it.

It is also well to point out here that we believe that all powers conferred upon the apostles have descended to the priesthood of the Church. For when Our Lord

completed His mission, and, in the language of St. Matthew, said: "Go ye forth in the name of the Father, the Son and the Holy Ghost, and lo I am with ye always even to the consummation of the world," He could not have meant that the powers He conferred upon the apostles would die with them. These powers were to continue to their successors, else how could He be with them to the consummation of the world?

Christ is with the Church to-day, with its priests, its bishops, and its people, as He was with the apostles from whom He parted on Mount Olivet, and with the disciples on whom the tongues of fire descended ten days afterwards.

The intercession of the saints and prayers for the dead are our fourth point of difference. Invoking the saints proceeds upon the assumption that life is continuous, that life beyond the grave is not different from this life, but is a continuance of this life, liberated from the burden and guilt of the body and saved from the apprehension of death. All Christians believe that in this life prayer for each other is desirable and effective. Our Lord Himself in giving us the form of prayer to be addressed to Our Father in Heaven was careful to put it always in the plural. It is "Our Father" not "My Father" whom we address. It is "Our daily bread" not "my daily bread" for which we ask. It is forgiveness for "our trespasses," not "mine," that we implore. And it is all of us that we pray may not be led into temptation, but may be delivered from evil.

If the prayers of men in this world are beneficent, why should they not be equally so in the next world? Is it to be believed that if my intercession for my neighbor, my brother, while I am in this world in a condition of trial and proof, be efficacious, it will be less so when I have passed through the trial successfully and am actually in

the presence of my Maker? Is it to be believed that I shall not continue to address Him, not merely for those who are mine by ties of affection and blood, but for all human beings who have received their life from the same source, and whose footsteps are directed to the same goal?

To cast a doubt upon the efficacy of the intercession of those who have gone before us, betrays a doubt of the future life, since if it be a conscious life, surely the prayers that had efficacy here must have greater efficacy when addressed directly to the throne of Him to Whose Presence our merits have secured admission.

Now it will be observed that in praying to the saints—and this includes all saints from the Blessed Mother of God down—it is naturally that intercession that a Catholic asks. Nobody contends for a moment that even the Blessed Mother of God has any power of her own. And as the way to heaven is by cultivation of the virtues which the law of God enjoins, it would follow inevitably that whoever has most thoroughly embodied the cultivation of those virtues on earth would be the most effective advocate before God in Heaven. The Mother who renounced the ties of wifehood to assume all the pangs and sorrows of maternity, who bore Him under terrible conditions of childbirth, in a stable, who carried Him over burning sands and under scorching skies into Egypt, who journeyed with Him to the temple that the law might be obeyed, who stood at the foot of the cross when He died, and whose faith was so great that she did not hurry to the sepulchre on the third day under the empire of doubt in His promise to rise from the grave,—she, we believe, must prove a most effective intercessor at the throne of her Son. Nay, more, we believe that as from Mount Sinai, man was commanded to honor his father and mother, so Christ sitting beside His Father

will not limit His honor and reverence to that Father, but will extend it also to the Mother who bore Him.

In view of that reverence and that honor which He must bear His mother, or else be disobedient to His own law, her intercession could not fail to have weight with Him: and for that reason we who have forfeited Heaven, we whose souls are leprous with sin, may ask through her intercession that we be cleansed by exercise of His divine power, and that, whatever our demerits, He will overlook them in the light of her transcendent merits.

XIV

The World War, the Greatest of the Crusades

IT has been said by some men, who claim to be leaders of thought, that the heart of America is not in this war. They have declared publicly that to awaken enthusiasm for the cause which we have made our own, it is necessary to convince the people that American interests have been injured, or are threatened with injury, by the nations against which we are fighting.

To this gross misrepresentation and utter misconception of American spirit and American purpose, Boston today gives final and conclusive answer, in this mighty demonstration, in the enthusiastic multitudes that have thronged its streets this afternoon, and in all the manifestations of welcome extended by the people of this Commonwealth to the Belgian Delegation, from the moment that it crossed the borders of this state.

But no popular outpouring such as we have witnessed today was needed to answer the imputation that the American people, apathetic to injustice, can be moved to action only by the instinct of safety or the promptings of avarice. The whole history of our country refutes it. Nay, to show its groundlessness it is not necessary to invoke history. Events which have not yet passed into the domain of history, demonstrate its falsity so completely as to paralyze the tongues of those who would repeat it.

It is less than twenty years since this country, solemnly renouncing, by resolution of Congress, all purposes of conquest, made war to emancipate a neighboring people from conditions that had become repugnant to justice and humanity. And is it conceivable that we, who, without stint, poured out our blood and treasure to end injustice on a small island in the Western Atlantic, would hesitate to draw the sword in the far grander cause of overthrowing tyranny and ending injustice throughout the world? And surely never did alien tyranny work injustice so gross as that against which appeal is now made to the conscience of this people by the eminent visitors to whom on your behalf I extend the welcome of this community, the expression of your profound sympathy, and the assurance of your unflagging support.

The tragedy of Belgium—the invasion of a peaceful country, not to avenge any wrong of which it had been accused, or even suspected, not to prevent any act that her neighbors could have regarded as dangerous to their safety, or even potentially injurious to their welfare, but solely because she would not consent to the use of her soil for the purpose of advancing the military enterprise of a powerful nation against another and a friendly country; the frightfulness with which that invasion was prosecuted; the horrors which marked its progress; the wholesale destruction of property, including stately structures which were among the noblest monuments ever raised by the hands of piety and of industry to the progress of civilization; the wanton despoiling, killing and maiming of non-combatants; the deportation of women and children;—these constitute a chapter of ruthlessness without parallel in the annals of civilized nations.

Yet the very hideousness of the wrongs of Belgium has, in the hands of Providence, led to results beneficial to

the whole human race. By it the body of Christian civilization has been led to form a new and loftier conception of the duty which every country owes to all other civilized nations.

Of that new conception our declaration of war is a splendid and tangible outcome. In taking that momentous step we have recorded our solemn judgment that outrages such as have been perpetrated against Belgium cannot be treated as affecting only the immediate victim, but as the concern of all mankind.

Moreover this mighty demonstration is conclusive proof that when the President of the United States asked Congress to declare war he was not imposing a policy of his own upon a reluctant country, but was obeying the command of the nation. We have not been dragooned or driven into this conflict. We have insisted on entering it, to make justice, which is divine, supreme over military force, which is brutish. When President Wilson urged Congress to declare war as a necessary step to make the world safe for Democracy, he raised this conflict far above any sordid enterprise of conquest, or vengeance, or advantage. He made of it a crusade for the regeneration of the world.

Nor has Mr. Wilson left in doubt the meaning of his glowing phrase. He has told us in unmistakable terms that it means the substitution of government, resting on the consent of the governed, for government, maintained by the brute force which despots organize. It means that every branch of the human family, every race and nationality, great or small, rich or poor, weak or powerful, shall enjoy the right to determine for itself the political system under which it is to live.

Now the world can be made safe for Democracy only by making justice supreme throughout the world, and by building upon this universal justice a universal peace.

The object then for which we have taken up arms is not merely to end this war, but to render impossible the recurrence of war, and to do this, it will be necessary, not merely to strike from the hands of the German Emperor the sword with which he is threatening justice and liberty throughout the world, but to get into the minds of the German people a clear comprehension of the new and higher conception of international interests and duties for which we are striving. We must demonstrate to the individual German that we are fighting for civilization, and that, in his own interest no less than in ours, there can be but one conclusion to this war, namely the final, complete and universal overthrow of militarism and Kaiserism.

But to say that we are fighting for civilization does not prove it. The Prussian Junker would undoubtedly insist that he too is fighting for civilization, and that the civilization for which he is battling is higher than ours. To our assertion that we are fighting for Democracy he would probably answer that the system which he upholds is more Democratic than ours. Very likely he would add that our system is Plutocratic rather than Democratic. Let us then see if it be possible to demonstrate that, even according to the explanations of this war advanced by the enemy himself, our cause is the cause of justice and humanity —his cause as well as ours.

As discussion is always unprofitable and fruitless in the absence of some postulate which all the disputants will accept, let us begin by postulating simply that the war now raging is a conflict between two different forms of civilization. This the German rulers cannot dispute, for they have consistently declared, from the beginning, that they are battling for what they call "German Kultur," that is to say, German civilization. We on the other hand, insist, with equal consistency, that we

are battling for Democracy to save Christian civilization from collapse and ruin.

There are but two forms of civilization known to history. One I shall venture to define as the civilization of the camp, and the other as the civilization of the workshop. I admit that there can not be a civilization exclusively of the camp, nor a civilization exclusively of the workshop. The camp could not be made formidable and effective if means of subsistence, military engines, and all materials of war were not provided by the workshop. Nor could the workshop approach its full productive capacity except under conditions of peace. And up to the present, at least, no country has been able to find any means of maintaining peace except the organization of armed forces. But the essential difference between them is this: the one has for its capital object extension of military force; the other, extension of productive industry. One assumes that the shortest pathway to the widest prosperity is through war, conquest, and the spoils of victory: the other that the only reliable source of prosperity is the labor of human hands exercised on the soil, or on some product of the soil. In a society exemplifying the civilization of the camp, industry is indeed encouraged, but the object to which its fruits are mainly dedicated is extension of military power. In a society exemplifying the civilization of the workshop, while an armed force is organized for the purpose of maintaining peace, the military establishment is always regarded as a burden which should be reduced to the utmost limit consistent with the public security.

Until the establishment of this Republic, no country in the world had ever been organized on the civilization of the workshop. For centuries it was considered axiomatic that only by military force could the security of a nation be maintained, and only by success of military

enterprises could its prosperity be advanced. The art of war was deemed the noblest calling that men could pursue, the only calling worthy of freemen.

As civilization expanded from rude beginnings to fuller development, men in growing numbers began to turn from war to industry. On that pathway of progress Belgium led Europe and the world. But even Belgium, the industrial pioneer of the world was compelled by the existing conditions of confusion and plunder to wield the sword in one hand while employing, in the other, the implements of industry. So unending was her creative energy, however, so indomitable her courage in defending its fruits, and so great the wealth which crowned her labor and rewarded her valor, that other countries became eager to establish similar prosperity, and invited Belgian artificers to settle in their countries, there to establish manufactures.

As the fruits of industry multiplied, peace came to be regarded as desirable. War was still the theatre upon which glory was to be won; but every day it grew clearer that peace was the condition under which alone prosperity could be obtained. Scarcely had Napoleon's death at St. Helena ended the fear of war, from which the world was never free while he lived, than men, exhausted by a whole generation of destructive conflict, turned from blighting, wasting militarism to recuperative, productive industrialism. The nations of Europe, instead of being chiefly anxious to extend their frontiers, became every day more deeply concerned in improving conditions inside their boundaries. Armies instead of being enlarged were actually diminished, and, the forces available for production being thus increased, a number of extraordinary inventions raised man to control over the natural forces which until then had restricted his industrial powers.

By these inventions the productivity of human hands

was increased so enormously that the supply of commodities available for the support of human life became abundant beyond precedent or parallel in human experience. As a necessary consequence the cost of living fell and continued to decline. At the same time the steadily growing volume of production necessitated employment of a continuously increasing number of human hands, and this increase in the demand for labor led to a continuous rise in the rate of wages. Rising wages and a falling cost of living constitute the happiest condition conceivable for the sons of men.

Every new invention requires a new development of industrial skill. The more valuable and productive a machine, the more important becomes the quality of the man who must operate it. Naturally and inevitably, therefore, the industrial civilization held the welfare of the individual to be the chief concern of society. Where formerly human beings were allowed to herd as they pleased in conditions dangerous to health, the number of persons permitted to occupy a given space was now limited and determined by law. Rules providing for effective sanitation were established. Provision for the education and even for the amusement of the populace was held to be an obligation of the state. Schools were multiplied; places of recreation established; new parks erected and old ones extended. In fact it is not too much to say that during this period the possessions of man were multiplied; the condition of his existence improved; the span of his life lengthened; the domain of his knowledge amplified; the horizon of his hopes broadened; to such a degree that when we contrast conditions of human life immediately before the year 1870, with conditions during any previous period in the history of the world, we seem to be considering separate planets peopled by an entirely different race of beings.

But while this movement toward the civilization of the workshop was at its height, in most European nations, the Prussianized Empire of Germany rose among them, and its aggressive tendency was back toward the civilization of the camp. In 1870, under conditions which made its victim appear to be its cause, Germany brought on a war which she had planned with diabolic ingenuity and perversity. It resulted in the humiliation of France, the mighty nation which for centuries had held the primacy of European civilization, and, under the leadership of Prussia, Germany now took her place as the embodiment of militaristic ideals. Provinces which had long been a part of France, populations which were deeply attached to her by every tie of interest, language, and affection were torn away. The huge indemnity extorted from her revived the barbarous custom which civilization had long discarded of seizing the property of non-combatants as spoils of war. For this huge indemnity was necessarily contributed from property accumulated by non-combatants in time of peace.

The new German Empire organized on these spoliations and barbarities made no claim to any moral justification for its actions or its existence. According to its founders themselves it was based on a policy of "blood and iron." Its warriors and statesmen scoffed at the suggestion that the moral law should govern in any degree the relation of States to each other.

In one respect Prussianized Germany was unique among all governments that have ever been established. It was not erected on the ruins of any other political system. It did not displace or replace any other government. It was merely a new adjustment of the relations existing between certain states which had formerly been independent of each other, and which still professed to believe that they retained their independence. The

various kingdoms, duchies, principalities, and free cities which constituted Germany, were persuaded, or coerced, into surrendering control of their foreign relations and of their military forces, to the reigning House of Prussia, for the express purpose of organizing an army strong enough to overwhelm any power which should venture to dispute a conclusion that the head of the new Empire might reach, or to resist an enterprise that he might undertake. This empire of "blood and iron" being thus established for war, its head became inevitably the war lord.

The history of the period between 1871 and 1914 is a record of the efforts made by the civilization of the workshop to subsist side by side with this civilization of the camp, and the condition in which the world is now plunged shows that these two systems are irreconcilably repugnant. The very existence of the present German Empire is inconsistent with the safety of our type of civilization.

It is of course contended that the establishment of the German Empire which strengthened militarism in Europe, also promoted industrial development, and we freely admit that the extraordinary capacity for organization which has made the German military machine so formidable has been extended to industry. Since the Empire was established, German agriculture has improved. Manufactures have been stimulated. New enterprises of commerce have been undertaken. The finest ships that parted the waters of the sea, before the declaration of war, floated the German flag from their mastheads. But this great industrial development was always subordinated to the extension of the military power. The degree to which commerce and industry were stimulated was much smaller than the degree to which the war machine was enlarged. The *Imperator* and the *Vater-*

land were finer than any other ships afloat, but they did not exceed, in tonnage or efficiency, ships that floated other flags, to anything approaching the extent that the Krupp gun establishment exceeded in efficiency and in volume of product all the munition establishments of the rest of the world combined. Ordinarily every development of industry is a contribution to the peace of the world. But under the German Empire every increase in the volume of production rendered the war engine more formidable, and was therefore a greater menace to the peace of the world.

The German rulers constantly and vehemently assert that this war is made against Germany because she is the object of universal envy and dislike. If this be true the question arises whence come this universal antipathy and distrust? There certainly was no hostility to the Empire when it first entered the family of nations. Indeed it was welcomed by many countries that are now struggling for existence against its armed forces. But from the very first, the Empire that made no pretense of justifying its foundation, its establishment or its policy, on any moral ground, has persisted in maintaining such a formidable military machine that it drove other countries to arm themselves as a necessary precaution for their own safety, and imposed a crushing burden upon the laboring masses of the world.

It is contended by the German rulers that to the existence of these armaments was due the maintenance of peace for forty years. But there was no peace. There was war!—and war peculiarly blighting and debasing. Instead of waging war against an enemy in the field each nation was compelled to wage war against its own people, taking food from the mouths of children, narrowing the purchasing power of wages paid to labor, darkening dismally the prospects of the entire human family. If such

a so-called peace had continued for another generation and preparations for war had grown as they have been growing for the last twenty years, the world must have faced starvation.

But war has come, and already we can see that in the Providence of God it is likely to be the avenue of escape for this generation and for the generations that are to follow, from the peace that was no peace. Already it is clear that the world must be freed from the burden of armaments, and that there is but one way by which she can be freed, and that is by the expulsion of the war lord, and the militaristic civilization which he embodies, from Germany and from the world, and the substitution in every land of the civilization of the workshop. There is not room enough in the world for two civilizations so repugnant. The war which their co-existence has produced can be ended only by destruction of one or the other, and the law of self-preservation, the law of duty, the law of justice, the law of God, demand that it be the civilization of the camp that passes.

When justice has been made the governing influence of all nations, then will come the time to discuss and determine the machinery by which this universal justice shall be enforced, but there is one feature of international justice upon which right-minded men are already unanimous: Reparation to Belgium must be its first requirement. To her belongs the immortal credit for having held the pass where our modern civilization was saved from destruction. She might easily have assured her own security, and even gained material advantage. She had but to connive at violation of her soil and the violators would have paid for every foot seized. She need not even have formally consented to the invasion of her territory; she might have gone through the formality of protesting against it: and still if she had suffered the

German Emperor to effect the conquest which Belgium alone could have prevented there is little doubt that she could have obtained large additions to her territory. Lille, Armentières, probably Dunkirk, possibly Calais, might have been the rewards of her placid complacency.

But preferring loyalty to safety, the preservation of honor to the promise of reward, Belgium faced the Prussian hordes as another great nation twenty-five hundred years before faced the hosts of Persia at the pass of Thermopylæ; and she stayed them long enough to save Paris and civilization.

Never was heroism more gloriously displayed in a cause more splendid. The soil of Belgium will forever be sacred in the eyes of freemen, for it has drunk the blood of heroes who died not merely for the safety of their country, but for the Justice of Heaven. Belgium suffering; Belgium ravaged; Belgium with her people plundered, her cities ruined, her noblest temples of commerce and of religion mere piles of blackened ruins; Belgium driven almost completely from her own soil, has uttered no complaint of the sacrifices which loyalty to justice has entailed upon her. And today Baron Moncheur standing here before us and all the American people, proclaims the undying resolve of that little nation to continue pouring out what blood is left in her veins, until the great enterprise of establishing justice throughout the world shall have been accomplished.

But though Belgium does not complain of what she has suffered, the nations battling for the cause we have made our own are unanimous that the triumph of justice can never be complete until Belgium is raised from the dust. So far as it is in the power of man to repair her losses, her wounds must be stanching, and every reparation made for the fields ravaged, the homes made desolate, the cities sacked, the heroes slain.

To that same high purpose for which Belgium has made such sacrifices, America is now dedicated by the act of its President and of its Congress. However men may have differed about the policy of entering the war, there can now be no difference about the necessity of winning it: and the manner in which the youth of this country has enrolled itself, the volume of appropriations made by Congress, the great oversubscription of our Liberty Loan—all show that there will be neither stint nor hesitation in our readiness to pay whatever price may be necessary to achieve the results for which we are striving.

There is one great sacrifice that all of us make to our country; and that is our prejudices. Let us surrender these on the altar of our patriotism. Many of our citizens are placed in a position of extreme delicacy and difficulty by this war against the German Empire. These, German by birth or blood, but American by choice, should be made to realize that we are not warring against Germany, but for Germany. Because we are warring on the Empire which is ruining Germany, let no man cherish prejudices against German blood; let no man conclude that we are warring to dismember Germany, or to destroy it. The very civilization for which we are now contending had its birth in the German forests. This so-called German Empire has existed but for forty-six years; and it is not German. It is Prussian.

Between German and Prussian the difference is immeasurable. Germans defending their liberties were the first to place boundaries on the powers of imperial Rome when Arminius, as he is called by Roman historians, sent the organizer of Roman despotism to his grave, moaning: "Varus, what have you done with my legions?" Germany was the chief force in re-organizing society after the fall of the Roman Empire. The customs which Tacitus described and the virtues which he praised, be-

came the fountain of Democracy. The Germany of Carloman; the Germany of Henry the Fowler; the Germany of Otho the Great; the Germany of Frederick Barbarossa, that Germany was the architect of free institutions. And of that Germany, Prussia was not even a part. It was not until the middle of the Thirteenth Century that by a conquest of the Teutonic Knights she became at once Christian and German.

The world had no ground of complaint against Germany until Prussia, whose history is a record of steady violence and successful predatory enterprises, arose to prominence among German states. When that most immoral of despots, Frederick the Second, who acknowledged no moral obligation and respected no treaty, came to be styled "The Great" on account of the success that crowned his enterprises of rascality, the entire conscience of Christendom became demoralized. It was the Prussianism of Frederick the Second which Bismarck, creator of the German Empire, embodied in his creation, and which has now deluged the earth with a crimson tide and encumbered it with blackened ruins.

Can our fellow citizens of German birth approve this Empire which has raised against Germany the condemnation of the whole world? They themselves came here to escape the exactions, demands, and horrors of that military system. They have made their homes on this soil. They are a part of this nation; a noble and glorious part. Let them then join with this nation, not in war against Germany, but to emancipate that country from the incubus that has fastened itself upon her, and is crushing her. Let them bear a part in restoring Germany to that better self, which all the world acknowledges to have been the source of countless benefactions to the human family.

Some persons have affected to doubt that the German

government can be treated separately from the German people. But, if the German Empire were dissolved tomorrow, every element that constitutes Germany would remain intact. Saxony, Hanover, Württemberg and all the duchies and free cities would again be completely independent. And with their independence they would resume a conspicuous place in the leadership of civilization, while all the world would hail them as friends. But should they persist in upholding the Empire which oppresses and discredits them, how can be measured the evils which must befall them?

This war to overthrow an Empire built in violence, perjury and spoliation, and maintained in defiance of Divine Law, is the supreme task of civilization. Wherever, therefore, the foe can be struck and overwhelmed, there let us be found, fighting to win, uncompromising and unconquerable.

But once before, in the history of the world, have men been called to an enterprise so valiant. At the close of the eleventh century, Europe had been rendered desolate by the wars of six hundred years. Industry was abandoned, the civilization of the camp was enthroned. Pestilence and famine stalked hand in hand, and it seemed that the human race was approaching extinction. Then a great Pontiff, carrying out the design of a greater predecessor, summoned all the nobles and princes of Christendom to meet a council of the Church at Clermont-Ferand. There he proclaimed anew the Truce of God among Christian nations, prohibiting them from engaging in war against each other. At the same time he rebuked the knights and warriors of Christendom for turning against each other swords which should be employed in preventing the Mohammedan attempt to subvert the civilization of the cross and replace it by the civilization of the crescent. As he described the tremendous issues

at stake, pointing out that the glory to be won in saving Christian civilization through self-sacrifice and self-renunciation was more splendid and more enduring than any sordid spoils of ordinary war, every man present, fired by a noble impulse to give himself and all that he possessed for the benefit of his fellows and the preservation of his faith, drew his sword from its scabbard, and with one voice the mighty multitude cried aloud: "God Wills It." Then and there the first Crusade was launched.

We in this country are invited to an enterprise greater than the Crusades. We are not summoned to repel assaults on Christian civilization from without, but to save it from forces seeking to destroy it from within. The crime of Sarajevo, the invasion of Belgium; the sinking of the Lusitania, and all those other crimes which have shocked the conscience of the world are but the symptoms of the evil that have been gnawing at the vitals of civilization for forty-three years. The duty to eradicate it can no longer be denied, nor its discharge delayed. Summoned to the championship of Christian civilization, to risk our possessions, our prosperity, our national existence, in defense of Democracy, we can give no other answer than "God Wills It!"

That answer is not shouted by the lips of thoughtless multitudes. It governs the heart throbs of the whole people. It finds expression deep down in the bowels of the earth when the miner drops his pick; in the field, when the laborer abandons the plow; in every workshop where the mechanic quits his bench; in every field of industry where men give up their daily gain to hasten to the recruiting offices for enrollment in the army of the Republic.

It is the absorbing prepossession of men wherever they assemble for discussion or for worship. It is the burden of every address to which an audience will give ear. It

is embodied in every prayer addressed to the Throne of God. It finds a place in the ritual of the Protestant. It animates the fervor of the Jewish Synagogue. It rises to Heaven with the incense that is burned before Catholic Altars. It is part of the blessing which the American woman bestows upon her son departing for the battlefield. It mingles with the prayer which the mother breathes by the cradle of her infant. It has held you, my friends, listening to these poor words of mine which could command your attention only by reason of the sublime subject which they discussed: Democracy! Democracy made safe, and therefore triumphant! Freedom! Freedom to all nations, great and small! Justice! Justice to Belgium—to all the children of men. “God Wills It!” The American people are unanimously resolved and immovably determined to make that Will successful, triumphant, supreme throughout the world.

XV

The Cause of Ireland

THE gentlemen who preceded me have all said, with great force and feeling, that while they are of the Irish race they are of American birth, and that they love above all other things the country in which they were born. I am an Irishman by birth as well as by blood. And the reason I am here is that I do not want the Government whose shelter from my earliest youth I was resolved to seek, whose benefits I have enjoyed, to be emasculated, impaired, or destroyed, as I believe it will be, if this treaty is ratified. And in saying this I speak not alone for myself—my race is well-nigh run—but for my entire generation and the generations that are to follow. The light that inspired me and millions like me, to cross the seas, I hope will not be extinguished, but that through the action of the Senate it will be maintained strong and effulgent for all the children of men throughout the world.

Whether the right of this country to interfere—at least so far as to exert its moral influence—for deliverance of Ireland from conditions that are a scandal to civilization shall be preserved or whether it is to be renounced by ratification of this treaty, is not an Irish question. Nor is it a question affecting solely England's domestic politics, as some gentlemen have contended. It is an international question, because there can be no peace

throughout the world until Irish discontent is composed. This is not, as many might say, a mere expression of exaggerated rhetoric. It is the sober, accurate statement of a fact which all history attests.

My purpose is to show that the condition of Ireland has been a constant invitation to every country with a grievance against Ireland to strike her at that spot where she was believed to be vulnerable, and where she will continue to be vulnerable just so long as the oppressions against which the Irish people have struggled for eight centuries are suffered to exist. So that the Irish question is not a matter that affects England and Ireland alone. It is one that has affected the peace of the world for four centuries and which will continue to affect it so long as it is permitted to remain an open sore in the side of Christendom. To compose this difficulty and settle it is a task imposed upon the statesmanship of civilization, and, therefore, it rests peculiarly on your shoulders, Senators, charged as you are at this moment with responsibility for the conditions under which peace is to be reëstablished throughout the civilized world.

Probably the greatest difficulty in dealing with the Irish question is to understand what it is. It has been so misrepresented—and by the greatest masters of ingenuity in misrepresentation that the world has ever seen—that many men, ordinarily well informed, are in doubt as to what it is that causes the Irish complaints.

We are told that other countries have been conquered as Ireland has been, and yet they have long since ceased to complain of the conquest or even to think about it. We are told that Irish grievances are fanciful, not real; that they are not caused by injuries which are actual, but by recollection of ancient injuries that sprung from laws which have long since been repealed. We are told that Ulster is prosperous and contented, while the rest

of Ireland is discontented and poor because its people are improvident, shiftless, idle; and that this demand for Irish independence merely embodies, while it disguises, the desire of this improvident, shiftless, idle majority to obtain and abuse the power of taxation over a thrifty and prosperous Irish minority. It is said also that there is a religious question involved; that Ireland's refusal to acknowledge the authority of England is but the intolerance entertained by one religious sect against another—the disposition of Catholics to oppress and drive Protestants from the country.

These, I think, are the grounds on which are based opposition to recognition of the Irish republic. They are set forth in a brief submitted to this committee by certain persons claiming to speak for Irish Unionists, and which I have just been permitted to read. Now, if these statements are true, if Ireland has been reduced to its present condition by the faults of vices or her own people, sympathy for them would be useless. They are incapable of improvement. They must inevitably disappear from the earth which they encumber and discredit. But if the evils which afflict the Irish people be the direct result of laws which have produced intolerable conditions, that still exist, although the laws themselves have been repealed, and if it be true that England has shown that she is incapable of doing justice in Ireland, even when a majority of the English people are really anxious that it should be done, and the English Parliament solemnly resolved to do it, then there can be but one outcome. Either English rule in Ireland must be ended or the Irish people must be exterminated. That is the alternative. I think it is entirely capable of demonstration that the Irish people cannot be exterminated, and extermination being impossible, emancipation is imperative.

Let me explain to you why it is that, although these

oppressive laws have all been repealed the conditions they produced still continue. The history of Ireland since the first Norman invasion has been an unbroken record of conquests and seizures of lands—first the devastation of land, always followed by confiscation. But neither conquests nor confiscation sufficed to keep the country permanently impoverished. From the first landing of Strongbow, in 1172, down to the final overthrow of Irish independence by William III, the Irish people after each invasion and devastation restored prosperity with a celerity and completeness that have been marvels to all historians.

Mountjoy, under Elizabeth, reported to the Queen that everything capable of supporting life in Ireland had been burned to the roots, that the whole Irish population had been exterminated, except a few fugitives who had taken refuge in morasses where they could not be reached, but where, for lack of food, they must inevitably starve. And yet in the very next reign Ireland was blooming like a garden. In the time of Charles I the prosperity of Ireland had already awakened the envy and cupidity of Englishmen; but the Irish, with that peculiar sense of loyalty which is one of their characteristics—often misdirected because carried to excess—having embraced the side of the King, fell under the vengeance of Cromwell. Again the island was devastated with fire and sword. The whole of the land east of the Shannon was confiscated. The entire native population outside of many thousands who were slain, and of other thousands sold into captivity, was transported west of the Shannon to a soil which was believed to be so sterile that it could not afford subsistence to human life. Cromwell's brief statement of his policy was that the Irish must go "to hell or to Connaught."

Well, they went to Connaught, but they did not go to

hell, because there was always one Irish champion whom, some way or other, the British arms could never overcome, and that was the Irish girl. Any Englishman who received land and settled upon it soon fell under her influence. That was already so clearly apparent in the time of Richard II that he passed the statute of Kilkenny forbidding any Englishman who had received land in Ireland to marry an Irish woman. But the Irish girl was too strong for statutes. She continued to marry the English settler in the teeth of all prohibitions, and the offspring of those marriages were the strongest Irish patriots.

Although the land had been laid waste with a fury hardly ever paralleled in the annals of mankind by the English parliamentary forces, first under Cromwell and later under Ireton and Ludlow, yet when William III in the next generation faced a patriot Irish army, a large part of it was composed of the sons of those Ironsides to whom Cromwell had granted land in Ireland. After the dreadful Cromwellian devastation the recovery of her prosperity by Ireland in the reign of Charles II is declared by Macaulay to be the marvel of all history. It is acknowledged even by Froude—who will not be suspected of any partiality toward Ireland—that in the reign of Charles II practically the entire transportation of goods by sea from the Old World to the New was carried on in Irish bottoms. Irish cattle and horses commanded the highest prices in English markets, and Irish woolen products were considered to be the very finest in the world.

Almost immediately after his accession this king for whose father Ireland had incurred the resentment and fury of Cromwell, yielding to representations by merchants of Bristol, excluded Ireland from the operation of the navigation act. The effect of this was a total destruction of the Irish shipping trade, from which it has never

recovered. Next, in obedience to a demand of English agricultural interests, exportation of Irish cattle and horses to England was prohibited. That reduced property in live stock to one-tenth of its former value. But the woolen industry remained, and probably from the fact that the energies of the country were now mainly directed to it, and the capital of the nation largely absorbed in it, the manufacture of Irish cloth expanded to a degree unapproached in any other country of the world.

But when William III finally established his authority by the victories of Aughrim and the Boyne, and by his treason at Limerick, the surrender of which he accepted on terms that permitted the garrison to march out of the country, while at the same time guaranteeing to the Irish people the right to practice their faith, prosecute their trade, and retain their property—a treaty that was violated the moment the Irish army had departed from Ireland—then the system was adopted which Edmund Burke has described in words probably familiar to every one of you. He said the Irish penal code was “as well fitted for the oppression, impoverishment, and degradation of a feeble people and the debasement in them of human nature as has ever proceeded from the perverted ingenuity of man.” That system produced the conditions which today afflict and distress the Irish people and which can be ended only by ending the dominion of England over the country.

After all former confiscations and devastations the country had recovered rapidly because the people were allowed to resume possession of the land. But the devilishly ingenious system adopted by William III and his immediate successors precluded any possibility of an Irishman obtaining any part of the land on which he lived.

A succession of statutes enacted during fifty years

resulted in a body of laws under which no Catholic—that is to say, no native Irishman—could hold land. The whole surface of the island had been confiscated. The original owners of the soil were allowed to dwell upon it merely as tenants at will. The confiscated lands were not bestowed, as in former cases, upon English soldiers who settled in Ireland, but in areas of 5,000, 10,000, 15,000, and even 30,000 acres upon favorites of the English court, who never lived in Ireland, who never intended to live in it, who seldom if ever visited it. Every Catholic was prohibited not merely from holding land but from leasing it for a period longer than five years. He could not own a horse worth over £5. If a Catholic appeared in a public place mounted on a horse any Protestant could take possession of the animal by tendering the rider a £5 note. Beyond impoverishing the Irish people, it was sought to accomplish their degradation by forbidding the education of youth. The only element of the community capable at that time of imparting education was the clergy, and the priest who taught a school was declared guilty of a capital offense. The spectacle was common of a priest's dead body hanging in chains, executed for no other offense than that of having undertaken to instruct an Irish boy. Not content with seeking to accomplish the intellectual degradation of the people, these statutes sought to corrupt their morals by undermining the foundations of the family. The son who accused the father of being a Catholic and proved it could take possession of the estate. The wife who informed on her husband was accorded a separate and independent interest in his property. So that wifely loyalty and filial piety—emotions which in civilized countries are encouraged by government—were perverted in Ireland to the injury of morals and the disruption of society.

Under this system the people hardly ever came in con-

tact with the owners of the soil. In almost every instance an agent represented the alien landlord and the value and efficiency of that agent were determined by the amount of rent which he could extort from the unfortunate occupants of the land. If a man by dint of arduous labor improved the soil he occupied and made it more valuable, the agent at once descended upon him and raised the rent. Not merely were the fruits of his own labor confiscated but his neighbors were promptly informed that unless they made their soil equally fruitful and raised the same amount of crops, that is to say, paid the same rent, they would be evicted. And eviction was death.

Not merely was industry made unprofitable by this hellish system; it was made unpopular. The laborious man did not benefit himself, and he brought disaster upon his whole neighborhood. The unfortunates who were evicted were left to starve on the highways. There was no other occupation in which they could find a livelihood because, by a refinement of cruelty that is almost inconceivable, the only industry that survived the hostile legislation of Charles II—the woolen industry—was entirely destroyed by William III. It was not taxed out of existence. It was not made to bear burdens imposed avowedly for the support of the State, and so prevented from being prosperous. It was prohibited absolutely, and unconditionally. All existing factories were suppressed, and the people were forbidden, under heavy penalties, from attempting to engage in the woolen trade. More than that, the Irish wool, at that time—the Australian wool not yet having become available for the world's necessities—was of a peculiarly valuable character. Not merely was the manufacture of woolen goods prohibited in Ireland, but exportation of Irish wool was prohibited, to any place except six English cities, the idea being that the English

manufacturer by these restraints would be enabled to obtain Irish wool on his own terms.

But there was an extensive woolen industry in the low countries and from here a great demand arose for Irish wool as soon as its manufacture was suppressed in Ireland. Wool that would bring 6 pence at Bristol commanded 1 shilling and 7 pence in Ypres and in other Flemish towns. Quite naturally smuggling of Irish wool to the Continent became one of the chief occupations of the Irish people. But the worst feature of this oppressive measure was not the loss of money or of property that it entailed. It was this: Wool being contraband, trade in it could not be prosecuted through bills of exchange and other devices of banking which govern commerce. It could only be bartered for some commodity not easily discovered, for everywhere the Irish coast was patrolled by British officers charged with the duty of preventing smuggling where they could and punishing the smugglers where prevention was impossible. Therefore wool was exchanged mainly for Flemish wines and this extensive importation of wines was the cause and the beginning of that intemperance that has been the curse of the country for 250 years. Before the beginning of the seventeenth century the Irish were a temperate race. But the example of the well-to-do consuming expensive wines soon caused a demand for coarser and cheaper intoxicants by the less prosperous. To meet this demand the manufacture of illicit whiskey became extensive, and the people gradually sank into that dreadful intemperance from which they have suffered both at home and abroad. The curse of this intemperance has been Ireland's, the shame of it is England's.

I am not saying this on my own authority. Here again I am quoting from James Anthony Froude—the apologist of English excesses in Ireland—who, indeed, seems

to complain that if these enormities had gone further the race would have been exterminated and the Irish question settled finally and without appeal.

Now, it is quite true that these proscriptive laws have all been repealed. They began to disappear in the latter half of the eighteenth century. And it is to the credit and glory of this country that their disappearance began when fugitive Irishmen—Presbyterians who had fled from the enforcement of the test acts and settled in Pennsylvania, and Catholics who had fled from other parts of the Island—were found fighting side by side under the banner of Washington for freedom, justice and right. Up to that time religious proscriptions were not confined to Ireland. They were universal. They were based on the assumption that anything like diversity of religious faith among the people of a State weakened it, and that therefore it should be prevented by the Government. The Huguenots were placed under serious disabilities in France; so were the Catholics in England. But in Ireland it was the distinctive feature of these proscriptive measures that they were not intended to discourage Catholicism or to encourage Protestantism, but to degrade the whole people by plunging them into ignorance and by corrupting every avenue through which could be reinforced those virtues and qualities that are considered essential to the well-being of every state. In Ireland the faith professed by the people was proscribed with a violence which nowadays can hardly be understood. And this fact must be borne in mind when you consider the Irish question. It is the only country in the world where the people have remained steadfast to a faith that has been proscribed. In every other country the people adopted in a body the religion that its government established. England became almost uniformly Protestant, or at least non-Catholic, under Henry

VIII; almost uniformly Catholic again under Queen Mary; Protestant once more under Queen Elizabeth; and was ready for another change to Catholicism—according to the historians—if James II had but governed with a little more sense. In like manner the religious complexion of the French people was decided by the result of the religious wars.

But in Ireland the majority of the people remained immovably attached to the faith that was proscribed and prohibited under drastic penalties, though they had to sacrifice for it not merely every element of property they possessed, but every hope of improving their condition. The extraordinary thing about their tenacity in this respect is that it was maintained without those aids to fervor which the Catholic liturgy affords. Such a thing as a great religious ceremonial had not occurred in the country, at the time of which we are speaking, for 150 years. Their lands confiscated, their faith proscribed, they practiced the rites of their church in garrets and in outhouses. Driven from the towns and villages, they took refuge in mountain glens, and there, under the broad canopy of heaven, the rains falling on them, often knee-deep in mud, with sentinels posted at each end of the glen to watch for the priest hunter, who was an established feature of these conditions, they worshipped with a fervor never shown in the stateliest cathedral ever raised by the hands of piety to the worship of God.

Now, with respect to the religious question: It can not be denied that Ireland has been torn by religious antagonism, but it should be remembered that whenever the Irish succeeded in establishing control over the government of their own country, as they did at intervals—in 1642 and again in 1688—the first act of the Catholics when they became dominant was to declare religious freedom for all. The reason why religious antagonisms

have divided the Irish people is because in that country religion was made the test of political rights and property rights. When a man could be ousted from his property because he was a Catholic (and that by a person bound to him by the closest ties of kinship); when a man could be deprived of the horse he rode by a total stranger on the tender of a £5 note because he was a Catholic; when he was excluded from every office under his government and denied the right even to educate his child because he did not profess the faith established by law, it was inevitable that the victims of such oppression and the beneficiaries of it would be influenced by mutual hostility.

I should add here, in order to explain why Ulster was prosperous while the rest of the country sank into misery growing ever deeper, that a totally different system of laws prevailed in the one place from that which governed the other. In Ulster, ever since its "plantation" by James I, there was in force what is called "Ulster tenant right," under which the occupant of the soil could till it and improve it with a certainty that every improvement he made was his property, to enjoy while he remained in occupation and to be paid for if he were removed or evicted. Moreover the linen trade of which Ulster is the theatre was tolerated and protected, while the woolen trade, which had flourished in the rest of the Island before the eighteenth century, was suppressed and prohibited. So the difference between Ulster and the rest of the country is simply this: In Ulster normal progress has been made by the people under the stimulus to production caused by the application of steam to machinery and the invention of other labor-saving devices. This she was able to enjoy under the benefit of civilized laws. While in the rest of the country the people were driven from every avenue of industry, except agriculture, by laws which were a disgrace to civilization.

It is true that even under this system Ireland enjoyed a brief period of prosperity, but that only shows how essential to restoration of the country's industrial life is restoration of its national life. Between 1782 and 1800, when Ireland enjoyed an independent government of her own, the owners of property who sat in Parliament found it to their interest to live in the country. And when they were thus brought into contact with the occupiers of the soil they were quick to realize the necessities of the people and to sympathize with them. But when that Parliament was strangled through the corruption of its members, *the landlords had no longer any inducement to remain in the country*. Again they became absentees, and the remarkable prosperity produced by that short period of independence was changed to a long, unbroken period of progressive decay. Again the rack-renting agent drew from the soil everything which it yielded beyond what sufficed to afford its cultivators the barest subsistence. And for this chance to live there was the fiercest competition among the members of the wretched population, each one eagerly bidding against all others for the privilege of cultivating the land upon any terms whatever. Under this competition conditions of life sank so low that the Irish peasant never tasted meat from one year's end to the other. The potato became the sole support of his existence. And when in the years of '46 and '47 there was a general failure of the potato crop throughout Europe it was a source of loss to the people in other countries, but in Ireland it caused actual starvation. We often hear of the "famine" in Ireland. But, strictly speaking, there was no famine. While the people were dying by hundreds of thousands for lack of food, there passed before their eyes along the highways droves of cattle, wagons laden with foodstuffs, all products of their own labor, sent out of the country to be sold and

the proceeds paid to alien landlords. In any other country in the world these abundant supplies would have been seized, and the people would have used them to avert hunger. In Ireland an exaggerated sense of property led the people to perish of starvation rather than take what, according to law, belonged to the landlord.

But it is said that Ireland is governed by exactly the same law as England with respect to land. Quite true, but the conditions established under these laws in the two countries are widely different. The English landlord always lives upon his estate; the Irish landlord seldom, if ever. The English landlord has always held himself to be the chief of an industrial family, the head of a great industrial organization, dividing the whole product of the soil with those who have aided in cultivating it. I know of nothing more impressive in civilized life than the manner in which these English lords of the soil exercise their ownership over it for the benefit of the people who cultivate it and for the glory of their country. The manor house, which to many casual observers is a mere abode of elegant luxury, is actually to the great agricultural organization of which its owner is the head what the counting-house is to the factory. From it the landlord directs all of the energies of his tenants and dependents. He is never "off his job" for a moment. Even in his amusements he is always discharging his duty, fulfilling his task.

We often hear of the claret-drinking, fox-hunting squire, as though his whole life were devoted to the consumption of wine and the hunting of foxes, and he does spend a good part of his time in these agreeable occupations. But when he is hunting over his own fields and those of his neighbors he is scrutinizing his fences and the condition of his farmers' and laborers' cottages and comparing them with conditions existing on the estates of other

landlords. When he is shooting he may be conscious of nothing except a desire to kill partridge or snipe, but to reach his game he must walk through the stubble in which the birds are concealed, and there he is necessarily informed of the manner in which the field is cultivated by his tenant. If the fences are broken, cultivation of the field inefficient, cottages dropping into decay, the tenant is required to explain. If the tenant can show that he is not responsible for these conditions and could not avoid them, the landlord himself feels bound to repair them. If, for instance, the tenant by reason of a large and growing family finds himself unable to continue paying the rent he had previously paid, no English landlord would ever think of evicting him. The opinion of his own order would forbid it. To throw a deserving man out on the highway who, for reasons beyond his control, was no longer able to pay his rent would be an offense against his obligations as a gentleman, almost worse than cheating at cards.

But while public opinion in England makes the landlord a trustee for the benefit of those who under his direction cultivate the soil, the Irish landlord who seldom lived in the country or saw his property, was under no restraint whatever in dealing with his tenants. His sole object was to obtain the uttermost penny that his agent could extort from them. And thus it came to pass that the very same man—and I am speaking now of matters within my own knowledge—who in England was the embodiment of paternal care for his tenants, often suffered an estate owned by him in Ireland to be administered with a ruthless cruelty which produced conditions difficult for us to conceive in this country. The absentee Irish landlord, though he was oppressive, was not always consciously cruel in the treatment of his tenants, but the system made him a tyrant or at least tempted him to

tyranny even when he himself was naturally well disposed.

A man of my acquaintance who is still living, and who occupies a very prominent position today in English public life, the younger son of a great noble, became a naval officer and received from his father when he came of age an Irish property that yielded about £1,000 a year. This property which he had never seen was managed by an agent. He went on the turf and in the course of a few weeks the thousand pounds which constituted his annual income passed from his pockets into those of enterprising bookmakers. As was usual with Irish landlords living out of the country, he wrote a letter to his agent asking if he could not send him some more money. The agent answered that the income from his property might easily be doubled. "Why the mischief then don't you double it," he asked. "I want to be sure," the agent answered, "that I will be sustained." Now this man is quite an extraordinary person, gifted with a mind singularly effective in analysis. Concluding from the agent's statement that there was something about the matter which needed explanation, he resolved to visit the estate and ascertain for himself the real condition. The agent met him and escorted him over the property, showing him various farms for which the rentals paid, he said, were entirely inadequate, and finally reached one which seemed to be particularly well kept and prosperous. "There," said the agent, "is one of the best farms on the estate. It is easily worth 2 guineas an acre, and all that the tenant pays for it is 2 and 6 pence." When the landlord asked why the higher rental was not obtained for it, the agent answered that when rentals had been raised on Irish estates the agents always incurred bitter enmity. This they were prepared to face, but they had not always been sustained by their principals. And this particular

agent before he took any steps to increase rentals wanted to be assured that he would be supported by the landlord in any trouble that might ensue.

Now, this particular landlord from his entrance into the naval service, had always made it a rule when anything under his authority went wrong to go and ascertain the cause of it for himself. Even after he rose to be an admiral—I may as well say that the man of whom I speak is Lord Charles Beresford—if an engine on any ship of his fleet was reported out of order he never contented himself with sending an engineer officer to find out what was the matter. He always ordered a boat lowered and investigated the trouble himself. And so when the agent made his statement about the farm's renting at what appeared to be such an extraordinarily low rate, Lord Charles concluded that he would go and see the tenant personally and get his side of the matter. The following morning he appeared at the cottage door and was welcomed by the occupant, whose name, I think, was Monahan. To enter a house in Ireland, no introduction is necessary. Any one who appears on the threshold is sure of a cordial reception. After exchanging a few pleasant words with Mr. Monahan, Lord Charles made some observations on the excellence of the farm. Now, an Irishman who receives congratulations on the farm he occupies always discerns in the compliment a potential, if not probable, rise of rental. And so, when Lord Charles asked him how it happened that he only paid 2 and 6 pence an acre for land easily worth 2 guineas the tenant said, "And may I ask you, sir, why you busy yourself about my farm or the rent I pay?" Whereupon Lord Charles said, "I am your landlord." And then this man, well-nigh 80 years of age, broke down and wept like a child. The dread stroke, which every Irish tiller of the soil who has made it productive always apprehends seemed to have fallen. In

piteous accents he sobbed, "Oh, my lord, for the love of God, don't take the farm from me. It is true I am paying but 2 and 6 pence an acre for it, but when I came here that land was not worth 6 pence an acre. The value it has today is the result of work put into it by me and my boys during the last fifty years." Four sons, the oldest nearly 50, the youngest over 40 years of age, had spent their lives in helping him to effect this improvement. "My lord," he said, "I will give you half of it, I will pay 1 guinea an acre, but let me keep the rest." And Lord Charles said, "No, Mr. Monahan, I am sorely in need of money, but I would have to be much harder up before I could take away from you the fruits of your life work and that of your four sons. Keep your farm at 2 and 6 pence an acre as long as you live."

Now, suppose that this landlord had not taken the trouble to ascertain for himself how his agent could have increased the rentals of his property, that tenant and his four sons would have been evicted, turned out on the road to die, unless they could obtain enough money to buy a passage to this country.

So you see that although the abhorrent laws of the eighteenth century have been repealed the conditions they produce remain. It is true that in law, Irishmen can now purchase property and hold it without disqualification on the ground of religion. But, practically, land in Ireland was, until very recent years, absolutely unattainable; first, because the Irishman, excluded for generations from all avenues of productive industry, had not the capital wherewith to purchase, and second because if by any chance he became possessed of sufficient means to purchase land, it was a point of honor among the landlords not to sell. Thus conditions originally produced by law have been perpetuated through custom, and have continued unbroken until the passage of the Wyndham Act of 1912.

The results produced by that measure before the war were amply sufficient to convince the most skeptical that the wonderful industrial efficiency which had enabled the Irish, after every devastation of their country, to restore prosperity in an incredibly short time so long as they were allowed to regain access to their soil, had not diminished in the slightest degree. Just consider for a moment the immediate effects of that legislation. Remember that by this measure the Irish land was not taken from the landlord and given to the tenants without compensation, as it had been originally taken from its occupiers. It was taken at a high valuation, and after this high valuation had been fixed by mutual consent 12 per cent in addition was given to the sellers as a bonus. That was all charged upon the land, the occupier of which was empowered to take possession and to become the absolute owner on paying the total amount of the purchase price in installments extending over 62 years. Under that law one-half of the land of Ireland passed into ownership of its occupiers. The transfer involved some twelve hundred thousand transactions. And what absolutely seems to transcend the possibilities of human capacity, there was not a single default, so far as I know, in fulfilling any of these agreements. Never in the history of man have transactions on a scale so stupendous occurred without a single breach of agreement.

Not merely was the letter of every agreement observed by the Irish, but they cultivated the soil thus restored to them with such energy and efficiency that by 1914 they had already effected a wonderful revolution in their conditions. The cabins—the hideous, noisome cabins which I myself remember, in which we would not suffer a pig to exist now, where human beings, 9 and 10 in number, and animals, if they were lucky enough to have a pig or two, dwelt together under a few sods placed against an

upright pole, an open space at the top allowing smoke from turf and such articles as they burned for fuel to escape—have all disappeared. Decent whitewashed cottages have replaced them. Implements of industry are kept in excellent order. I never saw better horses anywhere than in Ireland in 1913. It seemed as if the Irish people were once more on the very threshold of a prosperity such as had blessed the land between 1782 and 1800—the monuments of which are those beautiful buildings that ornament the city of Dublin to the admiration of visitors from every part of the world.

At this time while prosperity was returning apace, and prospects brightening steadily, the British Government undertook to pass a measure of home rule, encouraged doubtless by the excellent use which the Irish people had been making of their land. This measure did not in fact provide for home rule at all. The body it proposed to create was not a parliament but a commission to propose measures for the English Parliament. Certain subjects were relegated to this new body, but the power of the English Parliament over it was supreme—so complete that not merely was the right reserved to set aside any act which the Irish Parliament might pass, but where that Parliament had acted on a subject entirely within its jurisdiction the British Parliament was free to pass a different act, and this act of the Imperial Body was to prevail as the supreme law of the land. Here surely was a measure which the most radical English opponent of Irish home rule could well have afforded to accept. Though it did not establish an Irish Government in any sense of the word, yet the Irish representatives who then appeared to speak for the majority of the people accepted it. And there was every reason to believe that its enactment might effect a complete settlement of this difficulty which for centuries had disturbed the peace of

mankind. But a number of Ulsterites, encouraged by leading politicians of England—openly by all the Tories and secretly by many of the so-called Liberals—resolved to resist by arms the establishment of anything resembling a government in Ireland, even though the limitations of its powers reduced it to little more than a shadow or simulacrum of government. These men were among the most prominent of the community. They organized regiments, paraded them in public reviews, and audaciously imported 100,000 stands of arms to be employed against the British Government if it undertook to enforce a home rule act.

Mr. Carson, who had been a high official of the Crown, organized what he called a provisional government, and one F. E. Smith, who is not an Irishman, who has not a drop of Irish blood in his veins, who had no connection whatever by blood or property with the island, came over to Belfast, visited various places in Ulster and joined in arrangements to resist establishment of home rule. After this rebellion had been proclaimed and its forces actually organized, the Irish nationalists, who, mind you, were maintaining in office, the British Government then in power (it did not command a majority in parliament, except by the votes of Irish members), undertook to organize a volunteer force for the purpose of supporting enforcement of the home-rule measure. And then what happened? This Government, maintained in office by Irish votes, forbade by proclamation admission of arms into Ireland, after the Ulsterites had obtained arms sufficient to equip the regiments they had organized for rebellion but before the nationalist volunteers were able to obtain any military equipment whatever. But even this did not satisfy these audacious rebels. Disregarding the proclamation of the Government and flouting its authority, they brought a cargo of arms into an Irish port

and were suffered to land them without molestation or interference. Their defiance of authority was in fact treated as an excellent joke, and became a subject of laughter. "Gun running" promised to become the favorite sport of these chartered rebels—chartered by the very Government they were defying. But when the nationalists undertook to bring in a cargo of arms, the British soldiery appeared upon the spot and with bayonet and bullet prevented their landing a single rifle, even shooting down women and children who happened to be spectators. And so sedition was preached and practiced with impunity in Ulster, while Irish nationalist volunteers when they attempted to sustain the Government were prosecuted and dispersed by order of the very men they kept in office. And even that was not all.

Under a new development of the British constitution, a measure may become law notwithstanding its rejection by the House of Lords, after it has been enacted three times in the House of Commons. This home-rule bill had been enacted once, and while the second enactment was in progress the military authorities—not the volunteers—but the regularly organized military forces of the Empire encamped at Kildare—were notified that possible violence in Ulster might require intervention by the soldiery to overcome it. And forthwith all the high officers, with the exception of General Paget, resigned their commissions and announced that they would not draw their swords to maintain the authority of their Government because it would be drawing them in behalf of a cause which the Irish people supported and against the Ulsterites, who were their personal friends and with whose openly proclaimed intention to resist by arms the operation of a law enacted by the British Parliament they were in full sympathy. And these mutinous officers, instead of

being court-martialed, degraded, discharged and shot, were not even questioned. Not merely were they suffered to retain their commissions, but most of them were actually advanced to higher commands.

Can you wonder at what followed? The Great War came on. Mr. Redmond, acting for the nationalists, pledged the Irish people to support the British cause. I think he made a capital mistake when he said that the Irish people would be satisfied to wait for enforcement of the home-rule bill until after the war was over. However this may be, certain it is that when the enlistments opened, Irishmen went to the colors in great numbers. The nationalist leaders asked that these Irish soldiers be organized separately so that such deeds of valor as they accomplished would redound to the glory of their race. The request was denied. They were drafted into various regiments and companies. But wherever the fortunes of war were desperate and the casualties heaviest there Irishmen were found in numbers far in excess of the proportion they bore to the entire body of the British soldiery. And though they suffered heavier losses than any other men in the English service, their sacrifices were allowed to pass unrewarded and indeed unnoticed.

But worse was to follow. While Irish nationalists were dying by thousands under the British colors, repeating the sacrifices and services of their ancestors in Flanders a century earlier, it was resolved by the British Government to arrest the leaders of the nationalist volunteers and seize such arms as might be found in their possession. That purpose having become known, it provoked immediate, spontaneous resistance. Without preparation or opportunity to rally even the scanty force they could command these Irishmen arose in revolt. Numbering less than 2,000, they held two entire British divisions at bay for over a week. And when, after a display of gallantry at

which the world has wondered, and without having committed any excesses as their bitterest enemies acknowledged, they laid down their guns, the leaders (some 17 in number) were shot in cold blood. These men were the very flower of Irish life. The officials who took the lead in butchering them or in directing their butchery were the men who had themselves preached rebellion and resistance to the Government. Once more the very best in the land, men of resplendent genius, of virtue personal and civic, absolutely unspotted and untarnished, were slaughtered, and over their dead bodies the basest were raised to conspicuous positions. The same accursed system that raised Emmet to the scaffold and Norbury to the peerage has in these days sent the brightest ornaments of Irish life to stand before a firing squad, and raised to the English woolsack the man who had counseled the course these victims pursued.

Now, this simple narrative of facts which we all remember, demonstrates, beyond a question, the absolute incapacity of England to do justice in Ireland. Everywhere else her rule may be beneficent. In her own country she maintains a government certainly better than any other in Europe. Many think it the best in the world. But in Ireland, by the confession of everyone, her own statesmen included, her attempt to govern the country has been the most wretched failure in the whole range of human annals. The reason for this is plain, and arises from a difficulty that is insuperable. For nearly 250 years all legislation in Ireland has proceeded on the assumption that the Ulsterite is a superior being, and that all other Irishmen are his inferiors. This, though fantastically absurd, is not to be wondered at. Because you cannot very well rob a man and then admit that he is your equal or that he is possessed of any merit whatever. You must assert and declare him unfit to enjoy either liberty or prop-

erty, in order to justify the spoliation. English writers and politicians are driven in self-defense to contend that the Irish are a shiftless, worthless, profitless race, the Ulsterites embodiments of industrial efficiency and frugality. In support of the misrepresentations, they quote the prosperity of Ulster, always omitting to point out that it enjoyed the essential conditions of prosperous commerce while the rest of Ireland was excluded from them. The different treatment always extended by British Government (no matter what party controlled it) to the different parts of Ireland cannot be explained upon any other theory. Remember, it was not only English Tories who have discriminated against one set of Irishmen in favor of the other. Liberal Englishmen have done it in even a more marked degree. It was a so-called Liberal Government, kept in office by Irish votes, that persecuted and suppressed the Irish nationalist volunteers who sought to support the measure of the British Government and encouraged the Ulsterite recalcitrants who proclaimed their intention to rebel against a law which aimed to do a faint measure of justice in Ireland.

All of which shows conclusively that England cannot do justice in Ireland. She is absolutely incapable of it. She has failed signally and dismally. I believe that the majority of the English people were really anxious to establish home rule in Ireland before the war. They had voted in favor of it. Their representatives in Parliament had enacted it. And yet, when it came to putting it in operation, forces too strong for the Government were able to prevent it.

And all of this leads to one conclusion. Ireland must be released from this incubus. She must be delivered from this body of death, called English rule. She would not deserve to exist if she accepted these conditions of degradation. She will never accept them. Her whole

history shows that there is no way in which her national spirit can be quenched. Efforts the most ruthless, backed by the utmost power of England, continued through centuries, have failed to destroy her nationality. All the leagues of nations which might be formed on this earth could not keep her submissive to this wrong.

But I have not the slightest apprehension on this score. A spirit of genuine Americanism survives in the Senate which will deliver this country from the peril that threatens it and dispel from our horizon the cloud that darkens it. Since this treaty was laid upon the table of the Senate the discussion which its provisions have evoked has raised the standard of senatorial eloquence and senatorial statesmanship to a plane higher than ever before attained in its history. The speeches delivered by men who sit around me can not be paralleled by any delivered in the Senate since its organization, and I do not except even that much-lauded reply of Daniel Webster to Senator Haynes, of South Carolina. When we realize the wealth of information those speeches disclose, the high spirit of patriotic devotion they attest, and their stern resolution, in the teeth of misrepresentations, to maintain the integrity of our institutions, nothing in the past history of Congress can compare with them.

But even if the Senate were indifferent or inefficient, there would remain the unerring judgment, the infallible wisdom, the sensitive conscience of the American people. America has accomplished the greatest things ever achieved in the history of mankind, things which have been so universally recognized as of transcendent value to civilization that even if they could be changed no human being would venture to disturb them. If anybody had the power to disturb them and should attempt it, the conscience of Christendom would rally to preserve them as priceless possessions of the whole human family. Yet

these great achievements were attained not through politicians or statesmen but largely in spite of them. The people have always done better than their politicians or statesmen have advised.

This war which we can all now see was essential to the preservation of our civilization was not a distinctive policy of the President who conducted it. He went into a campaign and sought re-election—with perfect sincerity, as I believe—upon a proposition that he had kept us out of war. He could not have intended to advise a declaration of war when he called the extra session, because he did that only after failure of a measure recommended by him and which did not look toward war but merely to the arming of merchant ships. It was essentially the war of the American people, not of the American President.

The war with Spain was forced upon a reluctant Executive. The reconstruction of the Southern States after the Civil War was not what the politicians had suggested. It is now clear that if either party had had its way the country would not yet have recovered from its ravages. The War of 1812 was forced on President Madison. The purchase of Louisiana, as we understand it, was never contemplated by Thomas Jefferson. He sought only to acquire the Island of Orleans. And now when the greatest emergency that has ever confronted the country is upon us, the people's conscience, the people's judgment, and the people's wisdom, will reinforce the determination of these Senators who have already checked, and who I believe will succeed in defeating the attempt by this treaty to betray the causes and purposes for which the war was fought.

We are told that even an amendment of this treaty will lead to its rejection. Well, what of that? Suppose it is defeated, could we conceive anything more auspicious?

The league of nations which it undertakes to establish is most imperfect. The Shantung provision is an abomination. Yet we are told that we must yield to that abomination and make ourselves parties to it. My God, Mr. Chairman, when did it come to pass that the word "must" can be addressed to the American Nation? When this Nation consisted of little more than a few villages straggling along the Atlantic coast, the suggestion was made that forbearance of the greatest military power in the world at that time could be secured by a substantial advance of money. The answer was given without an instant's hesitation: "Millions for defense; not one cent for tribute."

And are we now to pay not a tribute of money but a tribute of infamy, by the confession of everybody, in order to establish a league, which has not and can not operate for peace, but in the very nature of things, must operate to make war frequent, if not perpetual? Is there in that treaty one single word of which any American should be proud? Does it liberate a single people who seek emancipation, except as an act of vengeance against the countries that were overthrown? Does it hold a word of hope to nations that are languishing in chains? Far from that, it creates new spoliations and makes us a party to them.

But we are told that we can ratify this treaty and pass a resolution declaring that we do not like these infamies, at the very time that we are perpetrating them. Now, I can understand the attitude of a man who perpetrates an infamy because he wants to—but I have no patience with a man who, after making himself party to an infamy, seeks to excuse himself by saying that he dislikes it. One man is formidable to justice, the other is contemptible.

Now, in all this I do not intend the slightest reflection

on the President of the United States. Woodrow Wilson's place in history is a high one, and secure; so secure that it can not be overthrown by anything except ratification of this treaty, and against that the Senate is, I think, immovable. His definition of the cause which led us into the war has become one of the priceless possessions of humanity. The 14 points are not dead. They are alive; they are here. We are appealing to them now, and the appeal will not be in vain. They can never die.

I was one of those who sincerely deplored President Wilson's trip abroad. I did not believe then, and I do not believe now that the President of the United States is ever justified in placing his person under the jurisdiction or in the power of a foreign Government, especially when he is engaged in a negotiation affecting the sovereignty of the United States. While his person is under foreign jurisdiction he can be coerced in many ways. I think he was coerced in one way which proved effective, and that was by threatening him covertly or openly with some manifestation of disapproval or by withholding from him the applause which they gave him in overflowing measure when he first appeared on the European Continent. It is impossible otherwise to account for his acceptance of provisions in this treaty which he himself declares to be objectionable. But I want to say this: The world which heard the words he uttered when urging Congress to declare war became that moment a different world. When he said that this war was waged to make the world safe for democracy, and men shed their blood to make his declaration effective, it became impossible for the earth which received that libation ever again to tolerate, in Ireland or anywhere else, conditions those heroes died to overthrow.

After speaking these words it became as impossible for

the President to come back and set up such a machinery of force to dominate the world, as is embodied in this treaty, as it would have been for Godfrey de Bouillon to establish Mohammedanism in his own dominion after his return from attempting to overthrow it in the Holy Land. Even though the President has himself forsaken the 14 points, the principle embodied in them remains to render the dominion of brute force impossible anywhere within the limits of civilization.

How the reign of brute force will be abolished in Ireland I can not tell any more than any one at the close of the Civil War could have foretold the splendidly successful reconstruction of the Southern States. The leaders of the dominant party at that time, men like Charles Sumner, Thaddeus Stevens and Oliver P. Morton, patriots of the highest type, believed that it would be necessary to take drastic precautions against a renewal of secession. On the other hand, the leaders of the Democratic Party in the South believed that they were entitled at once to unconditional restoration of their government, and freedom to re-establish their social and economic life as they pleased. A golden mean was struck between the two. Their governments were given back to the Southern people when it became clear that there would be no attempt to restore slavery or to fasten the Confederate debt on any part of this country. And those States which had been ravaged as no other land had been ravaged before, whose industrial system had been subverted, whose cities had been burned, whose fields had been devastated, whose last dollar of capital had been expended, rose from the ashes of defeat almost in a night.

So I firmly believe that out of all this discussion, contention, and confusion of views the thing will emerge which the world needs. And that is disarmament. When disarmament becomes universal, then peace will be firmly

established. Let us, then, insist that the outcome of this war shall be disarmament of all nations. Many nations are still intent on maintaining great armaments, but it is impossible for any of them to reorganize their industry and at the same time maintain a great military establishment. The hope of each one is that we will advance it the capital essential to its industrial reorganization, that it may use its own resources to maintain a great armament on land and sea.

I do not believe that any American would object to aid the restoration of stricken Europe, but it is our paramount duty to insist that before we extend the benefit of our resources to any other country all its own resources must be devoted to restoring its industry. We should not aid it while it diverted one penny of its own possessions to military enterprises.

For the first time in the history of the world a great war has ended leaving but one power able to maintain the greatest armaments on land and sea, and that power does not want to establish them. We possess the resources to resuscitate society, and we are unwilling to exercise the power thus given us for any purpose save to benefit the whole human family.

And now, while we are ready to expend our treasure for the welfare of all the world, what is it that by this treaty we are asked to do? We are asked to use our resources for the regeneration of the world, not according to our own idea of what would be most effective, but by submitting our judgment to that of other nations whose policies have led them to the pass out of which they are crying to us for deliverance. We are asked to subordinate our control over our own resources to the judgment of nations which are inferior to us in intelligence and in love of justice. We are asked to give up the greater for the less, to abase ourselves from the lofty

position to which Providence has assigned us and deliberately sink to a lower level.

But it is said that if we maintain control over our own destiny we are in danger of isolation.

Gentlemen, our isolation was decreed by Almighty God when He gave us the first place in civilization. Eminence is always isolation. But the eminence which we have enjoyed is not an isolation which we want selfishly to retain. No; America invites all the world to end that isolation by coming up and sharing the eminence which she has occupied since the organization of this Republic. From the spirit that has been displayed in this gathering here today I have unbounded confidence that this country will not terminate that eminence by abasing itself to the prejudices, hostilities and cupidities of those European powers that have plunged the world into the welter of blood from which we have delivered them, and from whose consequences we now hope to shield them.

Leagues of nations can not produce peace. But peace can and will produce a league of nations—a true league of nations—a league capable of meeting the requirements of civilization. And with all the world disarmed, no nation can be held in subjection to another. Ireland will be free, and every nation now denied the blessings of liberty will obtain them. That, Mr. Chairman, will be the outcome of this situation. It may not come immediately. But come it must and come it will. Anything else spells not merely danger but ruin to civilization.

The league of nations here proposed is an abomination, an attempt to use the conscience of Christendom to sanction and perpetuate wrongs which morality and justice condemn. But although judgment and good sense may have departed from quarters where we have a right to expect that they would be found, yet we are profoundly confident that here in this body the wisdom of the fathers

will be vindicated by such a display of patriotism, such an exercise of vigilance, as will insure to this people the rights to which they were born, the rights which some of us who came here from other lands have acquired through the operation of our constitutional system; and by maintaining this Constitution intact, you Senators will become the effective instruments ordained by Providence to keep trimmed and shining before the eyes of all men the lamp which will guide their footsteps to freedom, to justice and to unending prosperity.

XVI

The Call of Ireland, Unchained

AS a preliminary to the discussion of this great theme, I wish to make it clear that if to free Ireland—to make her the most prosperous country the world has ever seen—it were necessary to put a violent or unfriendly hand upon one single feature of our Constitution, I would say—and I believe every man of Irish blood in America would say—"Respect the Constitution though all else perish."

This Irish question (in the settlement of which we hope that this committee will play a most important part), is not a mere sentimental one, as some of the statements made here might lead you to infer. I would not be found trespassing on the time of this committee if we were asking it to deal with abstractions. If the actual condition of Ireland were prosperous—nay, if attainment of prosperity were possible under the government now exercising authority there—I would not ask the American Congress to interrupt its other concerns in order to consider the advisability of passing this measure. But whether this measure for the effective recognition of the Irish Republic should be passed has become a question which it is not only proper but necessary for the American Congress to consider. Because the conditions in Ireland to-day are analogous to those under which we intervened in Cuba twenty-one

years ago. And certainly the people of Ireland are bound to us by ties far closer and interests far deeper, than the people of Cuba. I say this with the friendliest feelings for the young Republic which this nation brought into existence. I think I was the first person in this country to suggest that it was our duty to deliver Cuba—by negotiation, if possible, by force of arms if necessary—from conditions which had become a discredit to civilization. I contended then that when in any country the government is controlled by an alien nation that exercises its powers not to protect life and liberty, but to oppress the one and destroy the other, that government is a discredit to civilization which all the forces of civilization should combine to uproot and remove. That principle was adopted and made an essential feature of our foreign policy when the United States, at the point of the sword, put an end to the barbarous perversion of government maintained in Cuba by Spain.

Now, conditions in Ireland to-day are vastly worse than they were in Cuba 21 years ago. That is the first proposition on which you are urged to report favorably this bill; which pray bear in mind is not a measure for intervention by force of arms, but merely for recognition of the government that the Irish people have themselves erected to displace the hideous misgovernment, imposed on them by a foreign nation, which for centuries has been a dark stain on the civilization of Christendom.

Lest I be suspected of exaggeration (the Irish you know are said to be a nation of rhetoricians, more remarkable for the exaggeration of their metaphors than for the accuracy of their statements) I will mention just one fact, which must serve to make clear the character of the conditions against which the Irish people have long been in revolt, and to end which they are now in revolution.

If anyone of you gentlemen appeared in Ireland and

delivered a Fourth of July speech—that is to say, if you made a speech praising the principles which we celebrate and glorify in our Fourth of July orations—he would be arrested. He would be locked up. But not in an Irish prison. He would be deported to England and there incarcerated. His whereabouts would be kept concealed. No charge would be made against him. But he would be kept under lock and key until the British Government became satisfied that he had been intimidated to a degree where he would never again venture to breathe doctrines deemed so pestilential in an atmosphere of tyranny as those embodied in our Declaration of Independence.

To state this—and the statement can not be questioned—is to describe conditions wholly irreconcilable with our civilization.

But it does not by any means describe fully the barbaric methods to which Ireland is subjected by its alien rulers.

It is a fact absolutely undisputed that Ireland is freer from crime than any other country in the world. Yet in proportion to the population there are more of its inhabitants in jail at this moment than in any other country. And the acts for which these men and women are held prisoners are acts which you celebrate as virtues. That statement rests not on my authority or on the authority of any man of Irish blood, but on the authority of Englishmen; and of Englishmen who are among the strongest opponents of Irish emancipation.

Let me read from the Round Table, which is an English publication bitterly opposed to Sinn Fein. Discussing the situation in Ireland, it says:

One is told indeed from time to time that the Sinn Fein is losing its grip; but proof in support of the statement is seldom obtainable. Notwithstanding the failure of all hopes based

upon the Peace Conference, the separatists still hold the field, not because a general body of Irishmen believe in the republic, but because they disbelieve in British good-will and British statesmanship. The condition of the country is still unsatisfactory in the extreme. Nonpolitical crimes—

This, remember, is English testimony—

(always rarer in Ireland than elsewhere in the United Kingdom) have, indeed, become fewer than ever, as recent judicial charges show; but raids for arms are frequent, as also are murderous assaults upon men individually or officially obnoxious to the revolutionaries. Such outrages are commonly defended even by otherwise sane and decent people, on the ground that a state of war exists between the Irish republic and the English Crown. And it must unfortunately be added that the spectacle of English soldiers with shrapnel, helmets, and fixed bayonets, patrolling the streets of Dublin and other towns, unavoidable though it may be under existing circumstances, fosters this illusion, while it angers and humiliates even those—and they are more numerous than is often remembered in Great Britain—who have the most intimate reasons for honoring the King's uniform. There can be few Irishmen of either party who regard with pleasure the continuous presence of an army of occupation openly holding down a sullenly disaffected mass of their countrymen, and fewer still who believe that such a state of things can continue indefinitely.

Now conceive the full significance of this statement coming from hostile sources. It concedes unreservedly that the present state of things in Ireland can not be suffered to continue indefinitely; which is precisely what we are contending here. But while all Englishmen agree that these conditions can not be suffered to continue, no Englishman suggests any plan for effectively ending them.

We are here to present a plan perfectly simple and definite, which we know will prove effective. It is the withdrawal of English armed forces from Ireland. Then the Irish people will establish a government abundantly capable of maintaining peace and order, under which conditions of unparalleled prosperity will bless the land. A very effective step toward that most desirable consummation will be favorable action by you gentlemen on this measure. For if the independence of the Irish Republic be recognized by the United States, the authority of the Irish Republic will soon be established in Ireland by the Irish people themselves.

But consider a little further the admissions made in the article that I have just quoted.

It says:

Nonpolitical crimes (always rarer in Ireland than anywhere else in the United Kingdom) have indeed become fewer than ever, as recent judicial charges show.

As a matter of fact, this statement falls short of the whole truth. Not merely is crime rarer in Ireland than anywhere else; it is practically a crimeless country. Crimes against women or against nature are absolutely unknown. Outside Belfast and Dublin, prosecutions for ordinary offenses—burglary, larceny, robbery, forgery, obtaining money under false pretenses, embezzlement—are so infrequent that judges holding assizes in the different counties are nearly always presented with white gloves, signifying that there are no criminal cases to try. And yet, in this country, some six thousand persons are held in jail—not in Ireland but in England—without any judicial process and for acts of which any honest man would be proud.

Now that, I venture to submit, is a condition worse

than ever existed in Cuba. For, while in Cuba, each side in turn inflicted damage on the other, in Ireland none but unoffending natives are the victims of intolerable oppression. In Cuba the revolutionary forces were found destroying sugar plantations or burning sugar manufactories, and those that the revolutionaries spared, the Spanish soldiers soon reduced to ruins. In Ireland, property is entirely safe, protected completely not by the British soldiery—who powerless to effect anything beneficial are capable only of mischief—but by the voluntary action of the people.

In Cuba, patriotism was an offense for which patriots were arrested and imprisoned, but they were always kept on the island and their whereabouts were known. In Ireland patriots are arrested and cast into prison for acts which you and I and all civilized men must approve, but instead of being held in Irish jails they are spirited out of the country and confined in places which are unknown to their friends and countrymen.

Twenty years ago many Americans insisted that this country was not concerned with conditions in Cuba. They told us that "we should mind our own business," and leave the men who had undertaken revolution to make it successful if they could, and to take the consequences if they failed. But these were a minority. The conscience of the great majority revolted against such barbarities. Public opinion forced a reluctant administration to draw the sword and make an end of the condition that endangered civilization everywhere by discrediting it in Cuba. Shall not this Government, which achieved that great result, grant our prayer now—not for armed intervention to end in Ireland conditions much more atrocious—but simply to recognize the government erected by the Irish people to establish other and better conditions for themselves?

If these conditions in Ireland which shock the conscience of Christendom were merely temporary—if there were the slightest ground for hoping that they could be cured or remedied under the government responsible for them—there might be some reason for refusing to enact this measure. We did not interfere in Cuba until it became clear that Spain could not govern the island except through measures so barbarous that they were subversive of our civilization. Her helplessness in this respect had been established by two generations of intermittent disorder.

The utter incapacity of England to govern Ireland is established by nearly nine centuries of barbarous confiscations, oppressions, and executions. It is not a new feature of Irish history that this island is harassed and menaced with desolation by the armed forces of a foreign country; and that through a shocking perversion of civilized agencies these barbarities are perpetrated, not in defiance of government but in obedience to it. When law becomes a force, not to establish justice but to outrage it, then civilization is assailed and imperiled by its own agencies. The fact, melancholy and appalling, that in outraging every element of justice and every condition of civilization, these armed British mercenaries in Ireland are not violating but enforcing the law of the land, discredits law everywhere. When law becomes discredited in any country the reign of law becomes endangered in all countries. And therefore it is not alone to deliver Ireland from these monstrous conditions, but to deliver civilization from the discredit they cast on it and from the peril they create for it, that we ask recognition of the Irish Republic.

Ireland has acquired the sad title of "The Distressful Country" and never was appellation more thoroughly descriptive. But the miseries she has suffered are not

of her own making, as apologists for English rule would have you believe. Ever since the Norman conquest, the varied calamities that have constantly scourged Ireland have been direct products of the government which dominated and oppressed it. During the centuries that have intervened since Strongbow landed on the Irish coast, Ireland has exhibited the frightful spectacle of a country where the best of its men and women—the noblest of their generation—whose virtues have raised them to the highest pinnacle of fame in the eyes of the world—have had no place open to them except the prison, the dock, or the scaffold, while the basest of the population—if not of the human family—have been raised to the bench, the peerage, and the woolsack. Never has that dreadful spectacle been so distressingly conspicuous as it is to-day.

English authorities have sought to justify the slaughter of these men on the ground that by no other means could English authority be maintained. That statement is undoubtedly true. But surely the fact that it is true is conclusive demonstration that English authority in Ireland must be ended if civilization is to be cleansed of a grievous stain and saved from a deadly injury. Any government that can maintain its authority only by slaughtering, imprisoning, or exiling the best of the men and women subject to its authority, while rewarding and ennobling the basest, is by that fact condemned as a barbaric perversion of everything that civilized government embodies.

You have heard much praise bestowed on John Redmond by opponents of Irish independence. You would, therefore, naturally conclude that here at least was one Irish Nationalist whom the English Government appreciated and respected, even if it did not ennoble or reward him. Do you know Redmond's actual history? He has

often described it to me as possessing one unique distinction. He was sworn in as a member of Parliament and expelled from the House of Commons on one and the same day, and the next day he was imprisoned. Redmond spent a large part of his time in jail. He was no exception to the unbroken rule that the ante-chamber of fame in Ireland is the English prison. In every generation it has been the same. Names that the whole world has held in highest honor are inscribed upon the rolls of the condemned by judicial process in Ireland.

A man recently died under singularly tragic conditions in our military service after having served as chief executive of the greatest city in this country. He is declared by all elements now active in opposing this measure to have been the best mayor the city of New York ever had. Well, his grandfather, John Mitchel, whose writings are among the classics of Irish literature, was an English felon, convicted by English courts because he was an Irish patriot. Condemned to transportation beyond the seas, he left the land he loved in a convict ship.

Thomas Francis Meagher, whose statue stands to-day in the city of Butte, an object of patriotic reverence to all the people; whose career is described to the youth of Montana—of which he was governor when he died—as one which should be an object of emulation among American patriots, was an English convict, transported to the other end of the globe in a prison hulk. He escaped, as Mitchel did, from the penal colony, where he had been sent to herd with outcasts of English society, and came to these hospitable shores, where he was received and welcomed by the best and highest of American citizenship. Smith O'Brien underwent the same treatment; Thomas Davis, whose verses are repeated and sung wherever the English language is spoken—the poet laureate of that young Irish movement which these other

immortals led—escaped the same fate only because a merciful God took him to His bosom before the British jailer could lock him in a cell. And while these men of shining virtues and splendid talents were being branded as felons by British courts, and sent in convict ships to herd with outlaws, Keogh, who swore upon the Gospels that if elected to Parliament he would never take office until Irish rights were conceded and established, but who broke that oath within six months, was raised by the British Government, as a reward for that perjury, to one of the most important judicial positions in the country.

If you look further back through the dismal corridors of Irish history, you will find the same shocking travesties of justice constantly recurring.

Everybody here I assume has become familiar with the figure of Robert Emmet, as he has been portrayed by the pen of Washington Irving. An orator of surpassing genius, a patriot of stainless virtue, a hero of dauntless courage, a lover of romantic fervor, a very Galahad of purity, personal and political, instead of being rewarded with honors or appointment to high office by the British Government, was strangled by its direction on the gallows at the age of twenty-four.

Can anybody read, without finding his bosom swell, and his eyes grow moist, that masterpiece of rhetoric delivered from the dock before his voice was silenced forever by the hangman's rope?

And what must be thought of the political system which could not maintain its existence except by sending Robert Emmet to the scaffold and raising Norbury to the peerage? But one answer is possible. That system is an abomination which must be uprooted, overthrown, expelled from the land it has cursed and from the civilization which it discredits. Temporizing with it would be fruitless, compromise with it disastrous.

This conclusion recent events have forced on many men who formerly refused or hesitated to adopt it, men who while dearly loving Ireland, held in high admiration the English Government in England and who cherished the belief that it might be possible to reconcile both countries by devising some method through which they could remain within the same Empire on conditions consistent with civilization.

But now it is clear beyond all question that England can not govern Ireland under methods that are civilized. And since every country must be governed, if it is to remain civilized, there remains but one course and that is to drive the English armed forces from Irish soil and allow the Irish people to govern themselves. Now Irishmen are abundantly able to do that. And this country, holding as it does the primacy of civilization, is bound in duty and in honor, to encourage (at least to the extent of recognizing it) a government established by the Irish people in accordance with the requirements of civilization, to displace and replace a government that can exist only by outraging all the conditions of civilization.

It was asked here yesterday by one of the committee—and it was a very proper question—whether we who are urging a favorable report of this bill would continue to advocate it if its enactment should lead to war between this country and England. I answer that question, not in words of my own—for in such a matter I consider myself quite incapable of offering advice to this committee—but in the words of Abraham Lincoln.

You remember that when he visited New York early in 1860 Mr. Lincoln delivered in Cooper Union a memorable address; an address which undoubtedly led to his nomination for the Presidency a few months later. That speech contains all the law and the gospel on the duty

of a great nation confronted by a momentous crisis. It was a time of extraordinary excitement, grave apprehension, and widespread disturbance. A fugitive-slave law had been enacted at the demand of the Southern States, but the method of its enforcement did not satisfy them. John Brown's raid was attributed to machinations of northern abolitionists. Southern political leaders had declared openly and positively that if required to choose between the safety of property in slaves and maintaining this Government they would withdraw their allegiance to it.

The conditions of their remaining in the Union were acknowledgment of the right of every slave owner to bring his slaves into new territories of the United States without any impairment of his property in them, vigorous enforcement of the fugitive-slave law and drastic punishment of anyone encouraging the flight of slaves from slave States to free States. If all these were not conceded fully and unreservedly then there would be secession, and war, if secession were resisted. To all these fulminations and declarations Mr. Lincoln answered (I am giving you the substance of his language, as you are all doubtless familiar with it):

Let us not be frightened by threats of danger to the country or of dungeons for ourselves, but let us have faith that right makes might, and in that faith let us go forward and do our duty as God gives us to see it.

That is my answer when asked what consequence an act of justice by the American people may entail. I have not the slightest idea that recognition of the Irish Republic will cause hostilities with England, if for no other reason than the one given here today. That reason certainly is conclusive. But whatever may betide, I am sure you agree with President Lincoln that the results

which may follow performance of duty are in the hands of God. It is not for you to measure His designs. You are the judges of your own conduct. You are held by Him to strict accountability for that and that only. In the discharge of every official function you will do your duty as He discloses it to you, leaving the consequence with Him Who rules the universe.

Mr. Lincoln did not confine himself to declarations of his belief that the highest policy a nation can pursue is to assume that right makes might. Through all his administration, the most troubled in all American history, he had no guide but justice. When the justice which he proclaimed was assailed by violent men, he drew the sword to defend it. And the sword which he was forced to draw in defense of justice, he refused to sheath until the triumph of justice was made absolute and unquestioned.

Justice is the only policy that the American people can properly pursue. For justice is declared by the Constitution itself to be the main purpose for which it was adopted.

And this leads to another question which was propounded, I think, by the chairman of the committee. He seemed anxious to be satisfied that the Irish Republic for which we are asking recognition is in fact a government with which we could enter into relations if it were recognized.

The answer is simple, direct, conclusive. The Irish Republic is a government by right and it is in actual operation—a government *de jure* and *de facto*.

Where two governments claim authority over the same territory, each always claims to be what is called a government *de jure*; that is to say, the government which of right ought to be in power whether or not it be actually in possession of power.

What constitutes a *de facto* government is usually determined by circumstances that can not be questioned. The government which actually exercises authority over the country by holding physical possession of its territory is the government with which any other government that wishes to maintain intercourse with the country must deal. It is, therefore, the *de facto* government.

That the Irish Republic is a government *de jure* should not be open to discussion by a committee of the American Congress. In the eyes of this Nation that government must always be *de jure* which in its form and substance embodies the will of the people. We proclaimed this truth in our Declaration of Independence. Wherever the men and women who will be subject to its authority declare, by a majority, that they desire to live under any particular political system, that preference makes the government for which it is expressed a government *de jure*. By this test there can be no question whatever that the Irish Republic is a government *de jure*, and the only government within the island with the slightest shadow of justification for claiming to be *de jure*. But is it a *de facto* government, that is to say, a government actually functioning, exercising the powers, and discharging the duties of a government? It is. The republican government is actually functioning in Ireland, exercising the main functions of government over by far the larger part of the country, over the whole of it except the two largest cities. This may sound surprising. But it is confirmed by every item of information that is allowed to reach us.

I think we will all agree that the main function of government is to establish peace and maintain it; not merely peace with foreign nations but peace among all the elements of its own population. And domestic peace can be maintained only by compelling submission of

disputes between individuals to tribunals organized to settle them by processes of law. This supreme function of government is now fully and effectively discharged in Ireland by courts of the Sinn Fein Republic, except in two cities—Belfast and Dublin—where the English military forces will not permit the republican courts to operate. And these cities are the theaters of practically all the crimes committed in Ireland. In the rest of the country, the authority of the republican courts is undisputed. And the functioning of these courts is not a mere formality. They function more efficiently than any other courts in the world. That may seem to be a startling statement. But, if you examine the evidence furnished by reports of British officials and the news columns of English daily papers, you will see that it is unqualifiedly true. These courts function for the settlement of disputes more effectively than any others in the world, because their authority is maintained by popular favor. They have not a single officer to enforce their judgments. Yet these judgments are obeyed universally and implicitly.

Now conceive the significance of that, not merely to Ireland but to all the world. Here is a country, where justice reigns supreme not by force, but by voluntary action of the people. And that realizes the highest ideals of civilization. It is only by voluntary action of the people in any community that law ever becomes really and completely effective for protection of life, property, and liberty.

The late Mr. James C. Carter, after he had retired from leadership of the American bar, spent some seven years in writing a series of lectures on the philosophy of law. They were to be delivered at Harvard University Law School, but he died just after they were completed, and before he had an opportunity of carrying out his purpose.

The essence of his theory was that all law is merely custom, that unless it is conformable to an existing custom, no legislative enactment could have the effect and force of law. In this definition of law he did not include statutes passed to facilitate purely municipal functions, such as building bridges, maintaining roads, or delivering letters. He referred only to those laws of universal application which actually govern the relations of men to each other. He claimed, moreover, that the measure of civilization attained by any nation, is determined by the extent to which customs established by the majority are obeyed by all. In a high state of civilization there would be few recalcitrants; in a perfect state of civilization there would be none. From this he concluded that laws are not made by legislatures but by the people themselves. "You and I are the true law makers," he was wont to say. "In going about our daily affairs we are forming the customs which when adopted by a majority will actually govern the life of the community."

In Ireland to-day decisions by the republican courts are accepted everywhere as embodying the justice of every cause. And for that reason they are obeyed with implicit and unreserved loyalty.

By reason of this universal confidence the Irish republican courts are able to settle questions which the courts of no other country have been able to settle—not even the courts of our own country. And yet Ireland is the only country under the sun where the people control neither the land on which nor the government under which they live. They have never ceased to insist on their right to control both. The English government has been determined that they shall not control either. This assertion on the one side and denial on the other constitutes what is called the Irish question.

Now, if that question were a mere abstraction, I could

not trouble you with it. But the actual result has been this: Alien ownership of the land and alien control of the government have caused the conditions which have made Ireland a reproach to civilization. They have not merely ruined prosperity, but they have prevented its restoration by discouraging industry to the point of almost complete paralysis.

Gentlemen, a momentous time in the life of humanity has arrived. After the great nations of the world had been struggling for years in a desperate conflict for supremacy which seemed to be unending, some of them united under our leadership in a crusade to establish for every people, great and small, the right to determine for themselves the conditions under which they are to live. To vindicate that principle men of Irish extraction in this country shed their blood more abundantly than any other element of our people. Something like 18 per cent of this population are of Irish blood. Between 35 and 40 per cent of the American Expeditionary Forces were Irish. Mr. Daniels has put their number at more than 50 per cent in the Navy. They were the first to answer the call of Woodrow Wilson when he summoned the manhood of America to take up arms for the cause of liberty. They were the first to front the foe in battle and the most effective in driving him from his trenches. It is on behalf of the cause for which these men fought so valiantly that I appeal to you now. It is a very solemn invocation that I address to you. I make it not for Ireland alone; I make it for civilization. If, after having entered this war for the cause which Mr. Wilson defined when he appeared before both Houses of Congress, there should be a betrayal of the blood which was shed to make that cause triumphant, the loss not to Ireland alone, but to the whole world, would be a calamity immeasurable, irreparable. It would be the total bankruptcy of inter-

national good faith. What promise could be trusted if this solemn pledge given to all the world is broken? How could faith survive in any nation after such violation of all faith and honor by the greatest nation? How could peace be made permanent—if the very foundations of international confidence be undermined and shattered?

During the 13th Century, Pope Urban II preached the Crusades, but when Woodrow Wilson, standing in yonder Capitol, urged this Nation to sacrifice its blood and its treasure, for justice, renouncing every reward except the glorious one of making the world safe for Democracy by securing for men everywhere the right to determine the conditions of their own existence, and the American people answering: "God wills it," rose as one man to make that will triumphant, then it became clear that the Crusades had not ended in final defeat with the death of St. Louis in Cairo, but that the forces of Christianity which during the intervening generations had been weakened and dissipated in quarrels among themselves, were once more uniting in another crusade—not against a distant foe, but against a nearer, deadlier, far more formidable foe, who within the body of Christendom itself was seeking to subvert Christian civilization and to make militaristic imperialism dominant throughout the world.

That crusade—the last and greatest of all crusades—has ended in triumph complete and unquestioned. The foe has fled before us. We stand in the sunlight of full success. Its rays stream over our banners. And at this moment of supreme triumph shall we repudiate the pledge on which we joined the allied nations in the mighty movement for defense of the principles which are the very essence of this civilization which we call Christian? Shall we be deterred from recognizing this effort of a small nation to establish its own political system

through fear of displeasing its oppressor because that oppressor is a powerful nation? Shall we be found casting under the feet of despotism, all that has been won for justice and freedom and democracy by victory on the battlefield? If the high purpose for which we took up arms is betrayed, when these arms have proved successful, woe to this civilization, woe to the generations that will follow us.

But to suggest such a possibility is to ignore the whole history of this country and the lesson which it teaches. The pledge on which we went to war, can not be broken. It is written in the blood of American heroes poured out in unstinted volume; the noblest libation to freedom and justice this earth has drunk since the divine drops fell upon Calvary, while under a sky darkened in midday, the reeling temple was rent to its foundations and the shuddering earth gave up the dead bodies of men who had cultivated it, before receiving into its bosom the dead body of the God who had created it.

All the blood of martyrs ever shed for truth, all the sacrifices of heroes ever made for right, all the aspirations of patriots for freedom, found ultimate expression in that unanimous response of the American people to the appeal of the American President, which lifted the war that for two years and more had been a struggle between international apprehensions, ambitions, and cupidities, to the plane of the greatest crusade ever undertaken for the establishment of justice throughout the world. The object for which that great crusade was launched, the purpose proclaimed by Woodrow Wilson can not be abandoned, renounced, ignored by the American Congress, when a people long denied justice come to ask for a small measure of it. Betrayal or renunciation by this country of the solemn pledge on which it has brought to triumphant termination the most desperate war ever

waged is unthinkable. We are here, asking not that you declare war, not that you impose a single tax on the people of this country, not that you assume a single obligation, but that by favorably reporting this measure you demonstrate before all men that the pledge on which we entered the war means now what the heroes lying in foreign fields believed that it meant when they gave their lives to vindicate it. We know that we can count on action here, which will make clear to all the world that when America speaks she speaks the accents of truth, and that, when she declared that her purpose in drawing the sword was to make freedom universal and justice supreme throughout the world, she declared the judgment and purpose of Almighty God who has entrusted to our glorious Republic the execution of this the last, the greatest, the noblest plan which He has in His infinite goodness designed for the welfare of mankind.

XVII

Farm Credits

His last speech, delivered in Congress twelve hours before his death.

THE chairman of the Committee on Banking and Currency has admitted that the purpose of the Farm Credits Bill now under discussion is to afford to farmers a chance to get more money on credit than they could obtain through the ordinary processes of business. A fair interpretation of this admission is that the farmer who cultivates the soil, or perhaps I should say the Statesman who cultivates the farmer, is seeking to pass a law whereby a farmer will be able to obtain more money upon his property than its value justifies. Indeed there can be no other meaning; for, obviously, the farmer has no difficulty, now, in getting all the money that his security justifies.

If this additional sum which the promoters of this bill propose to give him could be picked up, like manna in the wilderness, no other person being despoiled to secure it, I should join in acclaiming the proposal. But as it provides for giving the farmer money which must of necessity be supplied by some one else, I wish to inquire: "Who is to be the victim?" There is but one answer to this question: "It is going to be you and me." And so I ask the careful attention of this committee to the character of the proposal. I ask you to consider and weigh the facts, and see if there is any justification whatever

for the attempt to take money from one set of citizens—in other words take it out of the Treasury—for the benefit of a particular class.

To begin with, I think it important, if the committee will bear with me, to give a brief history of banking and its functions. I want to remind you that it is, in English-speaking countries, a very recent institution only about 230 years old.

Macaulay, in his *History of England*, points out that in the reign of Charles II there was not a bank in England and yet there was growing industry, and that industry needed the facilities which banking now affords. At that time there had been in operation for more than four hundred years the great Bank of Venice, and that bank had operated through all the mutations and confusions that marked the collapse of the old feudal system. It had been receiving deposits and loaning money while there was a Christian emperor still in Constantinople. It had been loaning money before Columbus directed his ships across the western ocean, when an Ottoman emperor presided at the seat of the Cæsars, and it was still loaning money when the discoveries of Columbus had resulted in the erection of numerous communities beyond the seas.

The Bank of Amsterdam, too, though a more recent institution, had existed for 150 years, and had gone through a period of confusion on the Continent that was never matched until these recent experiences through which the world is passing to-day. During the French invasion of Holland, when, as we all know, the dikes were broken down and the country was flooded as a measure of defense, and the white flags were flying from the residence of the stadtholder, there was one place where all was order—peace, progress, and wholesome activity—and that was in the Bank of Amsterdam.

Now let me explain just what banking is, that we may form a fair judgment on the character of this proposal.

Banking is the means by which persons engaged in trade, in manufacture, or exchange of commodities, can prosecute their business with less inactive capital than they would otherwise be compelled to employ.

Let me illustrate. If I am making tables or selling them, I must, if I wish to remain in business, be ready at any moment to meet any demand that is made upon me, and I must meet it in the recognized currency of the country. If there were no banking facilities I would probably need to keep one-half of my capital idle. But by the operations of banking I can deposit 10 per cent of my capital in the bank, and a man engaged in selling desks, we will say, would deposit 10 per cent of his capital in the bank, and the man making shoes would deposit 10 per cent of his capital, and so on through all the multifarious branches of commerce and production. Men, by depositing small amounts of their capital, are able by their mutual accommodations to carry on business. If I need money to manufacture my tables I borrow, and when my tables are completed and sold I repay the loan, and that repayment not only discharges my indebtedness to the bank, but it supplies funds for the shoemaker and the furniture dealer, in case they desire to borrow.

Now, the business of banking is to keep trade of every kind and character active; and if the farmer can produce credit, and is engaged in an occupation that will guarantee with reasonable certainty that he will be able to meet his debt, the bank is as anxious to lend the money as he is to obtain it, by the very nature of commercial conditions.

But to return to Macaulay. Banks came to England, of course, and were found to be enormously profitable. At first they grew along lines which offered the largest

gains. But where there are men, there is folly, and soon the cry went up, "Let us have a land bank! Let us have a bank for the conduct of all land transactions." And so the land bank was started in England, chartered to do everything that is claimed for the land bank here. The result was collapse almost before the institution got under way.

But let us assume that this proposed bill is passed and that under its operation large loans are made upon cattle and growing crops. Loans can be made upon these, I think, up to 75% of their value, and I have seen those values shrink, over 50%. What will be the security for those loans should such shrinkage occur again?

Long loans, secured on land are a permanent investment, important in themselves; but they do not belong to legitimate banking business. Now let us assume that the money is loaned to a great extent upon what is called farm products, say 75% of the value, or on a great herd of cattle in Arizona or New Mexico or Texas, and then assume the appearance of a blizzard. Where will the money to meet that loan come from? Where can it be found? What happens then? Do you come back and ask for more money? Why should you not? You have discovered a way to open the Treasury; you have discovered a way to levy on your neighbors and fellow citizens, because nothing can be taken out of the Treasury by appropriation until it is put in by taxation. Having obtained \$600,000,000 in this manner, what is to prevent your coming back for \$120,000,000?

You will come on the floor and ask if we are going to be the base, hard-hearted wretches who will actually emphasize and make more bitter the visitations of Providence, when all we have to do to protect the country is to appropriate two or three hundred millions more.

The sound and natural operations of commerce need

no interference of Government. The eagerness of men to supply their capital will supply all that it is safe to lend the farmer. They would never lend him 75% of the value of his flocks and herds, because they know that would be to risk, if not to make certain, disaster to the loan and to the enterprise; but they will lend him all that it is safe to lend him, and that means all that it is safe for him to borrow.

The operations of commerce are regulated by laws as fixed as those that control the course of the seasons, and the amount a man may safely borrow is measured by two things. First, by what he owns, and second, by his character. When the amount of a loan can be determined by the pull—forgive me for using such a term, but it has a significance well understood—which an ambitious citizen can exercise upon the officers of a public institution, when the course of loans and business is controlled by the favoritism which a pull invites, then there is prepared for you disaster, the extent of which is difficult to measure.

We are fighting our way back now from a terrible condition. God knows whether the world will succeed in freeing itself from the calamities that are multiplying around it and the dangers that are constantly increasing in its pathway; but if it is to escape, it can be by one way only, and that is by the employment of every pair of human hands in active industry. When the day dawns that any number of citizens are taught to believe that there is a more rapid road to prosperity, to wealth, to the possession of capital, than the employment of industry and the exercise of self-denial, and that this more rapid way is through the Treasury, by the complaisance or the connivance of politicians, then the knell of this country's prosperity is sounded.

My friends, I have not the slightest idea that having

once tasted this blood, those whose appetites are keen can be diverted from the satisfaction of it. But I implore you in the name of all that we hold sacred, in the name of all that we have achieved, in our hope of prosperity and safety for the future, to pause before you launch the Government to the extent of \$600,000,000 into the domain of private industry, where it has never entered without producing extensive and sometimes irreparable injury.

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Cockran, William Bourke
In the name of Liberty

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